



Control Number: 38339



Item Number: 406

Addendum StartPage: 0

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

APPLICATION OF CENTERPOINT
ENERGY HOUSTON ELECTRIC,
LLC FOR AUTHORITY TO CHANGE
RATES

§
§
§
§

BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC's
SECOND REQUESTS FOR INFORMATION TO
THE OFFICE OF PUBLIC UTILITY COUNSEL**

Pursuant to Substantive Rule 22.144, CenterPoint Energy Houston Electric, LLC requests that the Office of Public Utility Counsel provide, within 5 working days, the information requested in the attached Exhibit A.

Respectfully submitted,



Jason M. Ryan
Assistant General Counsel
State Bar No. 24033150
CenterPoint Energy, Inc.
P.O. Box 61867
Houston, Texas 77208
713.207.7261
713.574.2661 (fax)

Ann Coffin
State Bar No. 00787941
Parsley Coffin Renner LLP
P.O. Box 13366
Austin, TX 78711
512.879.0900
512.879.0912 (fax)

COUNSEL FOR CENTERPOINT ENERGY
HOUSTON ELECTRIC, LLC

FILED
OCT 13 PM 2:29
OFFICE OF PUBLIC UTILITY COUNSEL
HOUSTON, TEXAS

EXHIBIT A

I. DEFINITION OF TERMS

The singular herein includes the plural and vice versa; the words "and" and "or" shall be construed as "and/or" in order to bring all information within the scope of the Request. The words, "each," "all," and "any," mean "any and all" or "each and every."

"CenterPoint Houston" or "Company" means CenterPoint Energy Houston Electric, LLC.

"Communication" shall include all meetings, telephone calls, conversations, discussions, letters, memoranda, notes, and other forms of communication.

"Document" or "Documents" is used in the broadest sense possible and shall mean every writing or record of every type and description, such as drafts, corrections, memoranda, letters, tapes, stenographic or handwritten notes, studies, publications, work papers, books, pamphlets, diaries, desk calendars, interoffice communications, records, reports, analyses, bills, receipts, checks, check stubs, checkbooks, invoices, requisitions, papers and forms filed with a court or governmental body, notes, transportation and expense logs, work papers, contracts, statistical and financial statements, corporate records of any kind, charts, graphs, pictures, photographs, photocopies, films, voice recordings, and any other written, recorded or graphic material, however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control. The term "document" also includes all electronic and magnetic data, including e-mail. The term "document" includes all copies of every such writing or record that are not identical copies of the original or that contain any commentary, notes, or markings that do not appear on the original.

“Including” means “including but not limited to” and “including without limitation.”

“Identify” means to state as much information as you now have or that is now subject to your control, or that you may hereafter come to have or that hereafter becomes subject to your control, including the following:

a. when used in reference to a natural person, state the person’s full name, title, present (or last known) address, telephone number, occupation, present business affiliation or employer, business address, and exact duties and responsibilities of such individual;

b. when used in reference to an entity, state the full name of the company, organization, association, partnership, or other business enterprise; and

c. when used in reference to a document, state the date and title of the document and, if already produced in this case, the Bates-number of such document.

“Relate” or “relating to” includes referring to, mentioning, reflecting, containing, pertaining to, evidencing, involving, describing, discussing, responding to, supporting, opposing, constituting or being a draft, copy or summary of, in whole or in part.

“You,” “Your,” or “OPC” refers to the Office of Public Utility Counsel and any of the attorneys or consultants in this case.

II. INSTRUCTIONS

1. Each request herein extends to any documents or information in your possession and the possession of any of the attorneys or law firms that purport to represent you in this case.

2. Each and every non-identical copy of a document, whether different from the original because of indications of the recipient(s), handwritten notes, marks, attachments, marginalia, or any other reason, is a separate document that must be produced.

3. If you object to any portion of a request on the ground of privilege, answer the non-privileged portion of the Request by providing such non-privileged information as is responsive.

4. If you object to any portion of a request on any ground other than privilege, you should still provide documents responsive to the remaining non-objectionable portion.

5. Separately for each request to which you object in whole or in part, describe in detail and itemize each basis of your objection.

6. If the basis of an objection to any request, or any portion thereof, is a statute, contract or other agreement, or any other obstacle to production that you claim is based in the law, please identify the basis of that purported obstacle with specificity.

7. Each request herein shall be construed independently, and no request shall be viewed as limiting the scope of any other request. Please indicate where any portion of your document production in response to a request has been covered in your production in response to another request, and please specify the request numbers at issue.

8. If you claim that any document responsive to any request is lost or destroyed, (a) identify and describe such document, (b) describe how the document was lost or destroyed, and (c) identify when the document was lost or destroyed.

9. If you claim that any documents responsive to any request are already in the possession of CenterPoint Houston, please identify the document with sufficient specificity to allow CenterPoint Houston to locate the document.

10. The requests shall be deemed continuing so as to require additional answers if, after answering such requests, you obtain information upon the basis of which you determine that the answer was incorrect when made, or you become aware that the answer, though correct when made, is no longer true, and the circumstances are such that failure to amend the answer is in substance a knowing concealment.

11. Any document that is withheld from production pursuant to a claim of attorney-client, work product, party communication or investigative privilege shall be identified and shall be segregated and maintained for in camera submission, and a list identifying such withheld documents shall be furnished at the time and place of production. Such list shall state with respect to each document: (a) the privilege under which the document is being withheld; (b) a description of the type of document; (c) a description of the subject matter and purpose of the document; (d) the date the document was prepared; (e) the author and/or signatory of the document; (f) the identity of the persons to whom the document was sent; and (g) the present custodian of the document.

12. As part of the response to each request for information, please state, at the bottom of the answer, the name and job position of each person who participated in any way, other than providing clerical assistance, in the preparation of the response. Please also state the name of the witness in this docket who will sponsor the answer to the request and may verify the truth of the response.

III. REQUESTS FOR INFORMATION

- 2-1. Admit or deny that OPUC was granted intervenor status in Docket No. 35717, *Application of Oncor Electric Delivery Company, LLC for Authority to Change Rates*.
- 2-2. Admit or deny that OPUC witnesses offered testimony in Docket No. 35717.

- 2-3. Admit or deny that in Docket No. 35717, Oncor Electric Deliver Company, LLC (“Oncor”) requested to recover all of its energy efficiency program costs through its EECRF Rider.
- 2-4. Admit or deny that the EECRF Rider approved by the Public Utility Commission of Texas (“Commission”) in Docket No. 35717 took the place of the EECRF Rider approved by the Commission in Docket No. 35634, *Oncor Electric Delivery Company LLC's Request for Approval of Energy Efficiency Cost Recovery Factor*.
- 2-5. Admit or deny that in Docket No. 35717 OPUC did not contest Oncor’s proposal to recover all of its energy efficiency program costs through its proposed EECRF Rider.
- 2-6. Admit or deny that in Docket No. 35717 Commission Staff recommended that Oncor’s Rider EECRF proposal be approved. (*See Application of Oncor Electric Delivery Company, LLC for Authority to Change Rates*, Docket No. 35717, Direct Testimony of Jonathan M. Griffin at 20 (Dec. 10, 2008)).
- 2-7. Admit or deny that the Commission approved Oncor’s proposed Rider EECRF in Docket No. 35717. (*See Application of Oncor Electric Delivery Company, LLC for Authority to Change Rates*, Docket No. 35717, Order on Rehearing at 33, Finding of Fact 204 (Nov. 30, 2009)).
- 2-8. Admit or deny that Commission Substantive Rule 25.181(f)(5) states: “If a utility is recovering energy efficiency costs through base rates, the EECRF may be changed in a general rate proceeding. If a utility is not recovering energy efficiency costs through base rates, the EECRF must be adjusted in an EECRF proceeding pursuant to this section.”
- 2-9. Admit or deny that Commission Substantive Rule 25.181(f)(4) requires CenterPoint Houston to apply not later than May 1 of each year to adjust the Company’s EECRF effective in January of the following year.
- 2-10. Admit or deny that PURA and Commission Substantive Rule 25.181 require CenterPoint Houston to administer energy efficiency programs.
- 2-11. Admit or deny that CenterPoint Houston is currently recovering energy efficiency program costs through base rates.
- 2-12. Admit or deny that in Docket No. 36952, the Commission found that CenterPoint’s Houston’s base rates “are designed to recover \$22,925,492 in energy-efficiency program costs per year.” (*See Application of CenterPoint Energy Houston Electric, LLC to Defer*

Energy Efficiency Cost Recovery and for Approval of an Energy-efficiency Cost Recovery Factor, Docket No. 36952, Final Order at 6, Finding of Fact 27 (Oct. 29, 2009)).

- 2-13. Admit or deny that OPUC has been granted intervenor status in Docket No. 38213, *Application of CenterPoint Energy Houston Electric, LLC for Approval of an Adjustment to its Energy Efficiency Cost Recovery Factor*.
- 2-14. Admit or deny that OPUC has agreed to the Proposed Order filed by Commission Staff in Docket No. 38213 on September 3, 2010.
- 2-15. Admit or deny that the Proposed Order filed by Commission Staff in Docket No. 38213 on September 3, 2010 contains the statement "CenterPoint Houston's base rates are designed to recover \$22,925,492 in energy-efficiency program costs per year" on page 7 at finding of fact 29.
- 2-16. Admit or deny that while OPUC has contested the Company's inclusion of approximately \$10 million in energy efficiency program costs resulting from the settlement of Docket No. 32093 in its EECRF performance bonus calculation and the Company's proposal to include \$1,436,550 of Lost Revenue Adjustment Mechanism ("LRAM") costs in Docket No. 38213, it has not contested the reasonableness of CenterPoint Houston's estimate of its 2011 energy efficiency program costs. The phrase "energy efficiency program costs" for this question includes those costs reflected in Exhibit AA-1 to the Direct Testimony of Alan C. Ahrens in Docket No. 38213 at page 30, Table 6.
- 2-17. Admit or deny that OPUC does not contest the reasonableness of CenterPoint Houston's estimate of its 2011 energy efficiency program costs in this rate case proceeding. The phrase "energy efficiency program costs" for this question includes those costs reflected in Exhibit AA-1 to the Direct Testimony of Alan C. Ahrens in Docket No. 38339 at page 30, Table 6.
- 2-18. Admit or deny that if the Proposed Order submitted by Commission Staff in Docket No. 38213 is approved by the Commission and if \$22,925,492 in energy efficiency program costs are removed from the Company's base rates in this proceeding without a corresponding adjustment to the Company's EECRF Rider, the Company will not recover \$22,925,492 in energy efficiency program costs until such time as the Commission approves an adjustment to the Company's EECRF to include this amount.
- 2-19. If the basis for OPUC Witness Lacy L. Seybold's recommendation to reject the Company's proposed EECRF is solely related to the Company's inclusion of approximately \$10 million in energy efficiency program costs resulting from the

settlement of Docket No. 32093 in its EECRF performance bonus calculation and the Company's proposal to include \$1,436,550 of Lost Revenue Adjustment Mechanism ("LRAM"), state whether OPUC's recommendation would change and how, if those issues are precluded from litigation in this proceeding and CenterPoint Houston is only allowed to recover the amount for its 2011 energy efficiency program costs (\$30,784,000) and \$3,007,344 for CenterPoint Houston's 2009 Performance Bonus through its EECRF.

- 2-20. Identify and provide all precedent and documents supporting the statement in OPUC Witness Lacy L. Seybold's Direct Testimony on Page 19 to the effect: "Docket No. 38213 is the appropriate forum for consideration of the CEHE EECRF amounts."
- 2-21. If the answer to RFI 2-16 above is "denied" state with specificity OPUC's position as to why CenterPoint Houston's estimate of its 2011 energy efficiency program costs is unreasonable.
- 2-22. State whether OPUC and/or OPUC Witness Lacy L. Seybold would support CenterPoint Houston not funding the Company's proposed 2011 residential and small commercial energy efficiency programs (listed on Exhibit AA-1 to the Direct Testimony of Alan C. Ahrens in Docket No. 38339 at page 30, Table 6) until such time as the Commission approves funding for these programs through the Company's EECRF.
- 2-23. State whether OPUC believes that the energy efficiency programs required to be provided by CenterPoint Houston result in lower usage by residential customers.
- 2-24. See page 13, lines 1 – 3 of OPUC Witness Lacy L. Seybold's testimony. Explain in detail how CenterPoint's authorized revenues from the outcome of this rate proceeding increase above its authorized revenues by recognizing future loss in billing determinants.
- 2-25. Provide all documents produced by OPUC in 2010 that address the possibility of requiring the Company to file a rate case as required by the settlement in Docket No. 32093.
- 2-26. Provide all correspondence exchanged with another party in this proceeding, including Commission Staff, in 2010 that relates to this rate proceeding. You do not have to produce correspondence for which the Company was a recipient or sender that is responsive to this request.
- 2-27. Provide all documents that OPUC provided to a Texas Public Utility Commissioner or his/her aide(s) in 2010 that relates to this rate proceeding.

2-28. Provide all correspondence between OPUC and a Texas Public Utility Commissioner or his/her aide(s) in 2010 that relates to this proceeding.

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, e-mail, or United States first class mail on this 13th day of September, 2010.

Linda A Johnston