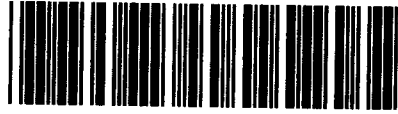


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P.U.C. DOCKET NO. 38339  
SOAH DOCKET NO. 473-10-5001

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

CITY OF HOUSTON AND HOUSTON COALITION OF CITIES' JOINDER  
REGARDING TIEC'S MOTION TO STRIKE TESTIMONY INCLUDING EXPERT  
OPINIONS OF CEHE'S LAY WITNESSES

The City of Houston and Houston Coalition of Cities support the arguments and positions set forth on pages 8-11 and 14-25 ("Exhibit A") of the Texas Industrial Energy Consumers' ("TIEC") Motion to Compel and Motion to Strike Testimony Including Expert Opinions of CenterPoint Energy Houston Electric, LLC's ("CEHE") Lay Witnesses filed on September 13, 2010 ("TIEC's Motion"). More, specifically, CEHE recently stated that 24 of its witnesses are employee witnesses who are not testifying as experts.<sup>1</sup> Based on this rationale, CEHE refused to provide all documents reviewed or relied upon by these 24 witnesses in preparing their testimony. Therefore, it is clearly inappropriate to allow the 24 CEHE witnesses at issue to provide any testimony which goes beyond opinions based on their own personal perceptions and that would be regarded as expert testimony pursuant to Texas Rule of Civil Procedure 702.

For this reason, the City of Houston and the Houston Coalition of Cities join in TIEC's Motion and respectfully urge the Administrative Law Judges to strike the impermissible expert opinion testimony offered by CEHE as set forth in Exhibit A to TIEC's Motion.

<sup>1</sup> See CEHE's Response to COH's Motion to Compel 11th RFIs at pp. 2-3 and CEHE's Response to TIEC's RFI No. 5-1(a).

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By:   
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## CERTIFICATE OF SERVICE

On this the 17<sup>th</sup> day of September, 2010, a true and correct copy of the foregoing document was served upon all parties of record by facsimile, email and/or U.S. mail, postage paid.

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