



Control Number: 38339



Item Number: 487

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Parsley Coffin Renner

A Limited Liability Partnership

Post Office Box 13366
Austin, Texas 78711
Telephone (512) 879-0900
Fax (512) 879-0912

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September 21, 2010

Michelle R. Moore
Epstein Becker Green Wickliff & Hall, P.C.
1000 Louisiana Street # 5400
Houston, TX 77002

Re: SOAH Docket No. 473-10-5001; PUC Docket No. 38339;
*Application of CenterPoint Energy Houston Electric, LLC for
Authority to Change Rates - Deposition of J. Bertram Solomon*

Dear Counsel:

CenterPoint Energy Houston Electric, LLC ("CenterPoint Houston") files this cover letter with the enclosed Notice of Deposition for J. Bertram Solomon. CenterPoint Houston and the City of Houston were not able to agree on a location for Mr. Solomon's deposition.

Although Mr. Solomon offices outside of Texas, deposing Mr. Solomon either in Austin or Houston, Texas is appropriate in this proceeding. In Docket No. 29526, CenterPoint Houston was faced with a similar dispute regarding whether deposing all intervenor witnesses in Austin or Houston was appropriate rather than deposing intervenor witnesses in the states in which their offices were located. In that proceeding, parties were ordered to make their witnesses available in either Austin or Houston due to:

- (1) the short period of time for CenterPoint to conduct discovery;
- (2) the fact that CenterPoint would be more inconvenienced by traveling around the country to conduct multiple depositions than intervenors would be inconvenienced by appearing in Houston or Austin, Texas; and
- (3) the fact that during the same period of time in which CenterPoint would be conducting depositions, it would also be preparing rebuttal testimony.¹

Many of the circumstances that were present in Docket No. 29526 are present in the pending rate proceeding and justify scheduling depositions in Austin or Houston, Texas.

Moreover, CenterPoint Houston notified parties (1) during the prehearing conference in July, (2) through a letter sent the first week of August, and (3) in a follow-up phone call in September of its intent to depose intervenor witnesses after they filed testimony. So far, other

¹ *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, Docket No. 29526, SOAH Order No. 11 (June 14, 2004).*

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parties have agreed to schedule out-of-town witnesses for depositions in Austin, Texas. And, CenterPoint Houston agreed to depose one of the City of Houston witnesses in Corpus Christi, Texas, where her office is located, rather than in Houston or Austin, Texas. In addition, making Mr. Solomon available for a deposition in Houston or Austin is an efficient use of parties' resources because only one person would have to travel rather than requiring CenterPoint Houston and City of Houston counsel to travel to Georgia to depose Mr. Solomon in person.

Finally, pursuant to Commission Procedural Rule 22.142(a)(3)(B), the Administrative Law Judges may order that discovery be undertaken at a time and place specified by the ALJs.

For the foregoing reasons, the Company has noticed Mr. Solomon's deposition for Austin, Texas.

Respectfully,



Kate Norman

Counsel for CenterPoint Energy Houston Electric, LLC

Enclosure

cc: PUC Filing Clerk
All Parties of Record

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


APPLICATION OF CENTERPOINT	§	BEFORE THE
ENERGY HOUSTON ELECTRIC,	§	STATE OFFICE OF
LLC FOR AUTHORITY TO CHANGE	§	ADMINISTRATIVE HEARINGS
RATES	§	

CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
NOTICE OF DEPOSITION TO J. BERTRAM SOLOMON

TO: J. Bertram Solomon, by and through the attorney of record for the City of Houston, Alton Hall, Epstein Becker Green Wickliff & Hall, P.C., 1000 Louisiana Street # 5400, Houston, TX 77002.

Please take notice that pursuant to P.U.C. Procedural Rule 22.143, unless otherwise agreed by counsel, counsel for CenterPoint Energy Houston Electric, LLC (“CenterPoint Houston”) will take the deposition of J. Bertram Solomon on Friday, September 24, 2010, beginning at 1:00 pm regarding the topics addressed in Mr. Solomon’s Direct Testimony and issues related to the pending proceeding in Austin, Texas at the offices of Graves Dougherty Hearon & Moody, PC, 401 Congress Avenue, Suite 2200, Austin, Texas 78701. The deposition will be taken before a person duly authorized by law to administer oaths and to take depositions. The deposition will be recorded by stenographic means and may be recorded by sound and/or other visual means. In the event the deposition is not completed on the day indicated, it will continue from day to day until complete.

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

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 21st of September 2010.



EXHIBIT A

Definitions and Instructions:

“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.

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.

DOCUMENTS REQUESTED

1. Pre-filed written testimony and exhibits of J. Bertram Solomon in PUC Docket No. 38339, as well as all related work papers and source documents.
2. All documents reviewed and/or relied upon by J. Bertram Solomon in preparation for this deposition.
3. To the extent not already provided, all documents reviewed or relied upon by J. Bertram Solomon in preparation of his testimony in this case.