



Control Number: 40443



Item Number: 350

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**PUC DOCKET NO. 40443  
SOAH DOCKET NO. 0473-12-7519**

**APPLICATION OF SOUTHWESTERN  
ELECTRIC POWER COMPANY FOR  
AUTHORITY TO CHANGE RATES  
AND RECONCILE FUEL COSTS**

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**BEFORE THE STATE OFFICE OF  
ADMINISTRATIVE HEARINGS**

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**STATE AGENCIES' FIFTH REQUESTS FOR INFORMATION TO  
SOUTHWESTERN ELECTRIC POWER COMPANY**

The State of Texas' agencies and institutions of higher education ("State Agencies") request Southwestern Electric Power Company ("SWEPCO") to provide the following information and answer the following questions under oath. Please answer the questions and sub-questions in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to each question.

**Definitions**

As used in this introduction and in these questions,

- (1) "AEPSC" refers to American Electric Power Service Corporation;
- (2) "SWEPCO" or "the Company" refers to Southwestern Electric Power Company.
- (3) "You," "yours," "your," and "Company's" refer collectively to SWEPCO, including its directors, officers, employees, consultants, agents and, unless privileged, their attorneys;
- (3) "Application" refers to the Application and supporting testimony, schedules and other documents submitted by SWEPCO and docketed as PUC Docket No. 40443;
- (4) "Document" and "documents" mean any written, recorded, filmed, or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, electronic mail (e-mail), computer storage device or any other media, including, but not limited to memoranda, notes, analyses, minutes, records, photographs, correspondence, telegrams, diaries, drafts, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, contracts, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, observations,

commercial practice manuals, reports and summaries of interviews, reports of consultants, appraisals, forecasts, tape recordings, or any form of recording that is capable of being transcribed into written form;

- (5) "Commission" and "PUC" means the Public Utility Commission of Texas; and
- (6) "Staff" means the professional staff of the PUC.

### **Instructions**

In answering these questions, furnish all information that is available to you, including information in the possession of your agents, employees, and representatives, all others from whom you may obtain it, and your attorneys and their investigators.

Please answer each question based upon your knowledge, information, or belief, and any answer that is based upon information or belief should state that it is given on that basis.

If you or any of your attorneys have possession, custody, or control [as defined by Tex. R. Civ. P. 192.7(b)] of the originals of any documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineations, receipt stamp, or notation.

If you or any of your attorneys do not have possession, custody, or control of the originals of the documents requested, please produce copies of the documents, however made, that are in your possession, custody, or control. If any document requested is not in your possession or subject to your control, please explain why not, and give the present location and identify the custodian of any copy or summary of the documents.

### **Claim of Privilege**

If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed. Please also further support the privilege that you claim, with reference to applicable decisions and Attorney General Opinions.

### **Claim of Confidentiality**

If you contend that a document is protected from disclosure under the protective order, you must specifically state the provision of the Government Code that applies to the particular documents sought, and explain why the exception applies. A contention that information is excepted from disclosure in accordance with Section 552.101 should specifically identify the law, statute, or judicial decision that makes the information confidential. A contention that a document is protected under Section 552.104 or Section 552.110(b) requires a showing of some actual or specific harm in a particular competitive situation; a generalized allegation that a competitor will gain an unfair advantage will not suffice. ORD 541 at 4 (1990); ORD 661 at 5-6

(1999). A contention that a document is confidential under Section 552.110(a) should show that the information meets the definitions of a trade secret. ORD 552 at 2 (1990); ORD 402 (1983); Section 757, Restatement of Torts. as adopted by the Texas Supreme Court in *Hyde Corp. v. Huffines*, 314 S.W. 2d 763, 776 (Tex.), *cert. denied*, 358 U.S. 898 (1958). See also OR2002-3953 (2002).

### **Questions and Responses**

The Definitions, Instructions, and Claim of Privilege set out in this Request for Information apply to these questions. If any question appears confusing, please request clarification from the undersigned counsel.

In providing your responses, please start each response on a separate page and identify, at the top of each page, the question being answered. As part of the response to each question, 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 preparing the answer. If the question has sub-parts, please identify the person or persons who answered each sub-part. Please also state the name of the witness in this docket who will sponsor the answer to the question and who can vouch for the truth of the answer. If the question has sub-parts, please identify the witness or witnesses by sub-part.

Rather than waiting to provide all of the responses at the same time, please provide individual responses as each becomes available. These questions are continuing in nature. If there is a change in circumstances or facts or if you receive or generate additional information that changes your answer between the time of your original response and the time of the hearing, then you should submit, under oath, a supplemental response to your earlier answer as soon as the change in circumstances or facts are known to you.

If you consider any question to be unduly burdensome, or if the response would require the production of a voluminous amount of material, please contact the undersigned counsel as soon as possible to discuss the situation and to try to resolve the problem. Likewise, if you object to any of the questions on the grounds that the question seeks proprietary information, or on any other grounds, please contact the undersigned counsel as soon as possible.

If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or in electronic format, please furnish specific references thereto, including Bates Stamped page citations and detailed cross-references.

## **REQUESTS FOR INFORMATION**

**RFI 5-1:** Please review the direct testimony of Randall W. Hamlett concerning rate case expenses requested by the Company for PUC Docket No. 39708, as included in Schedule G-14.2. Please explain fully why the Company takes the position that charges incurred from May through December 2011 for this docket (the TURK CWIP case) should be charged to Texas ratepayers rather than shareholders.

**RFI 5-2:** Please review the direct testimony of Thomas P. Brice on pages 8-21, concerning his sponsorship of Affiliate Legal Services expenses. Please answer these questions regarding that testimony:

- a. Has Mr. Brice ever supervised any legal department or division whose costs he sponsors? If so, please state the dates and nature of such supervision;
- b. If your answer to subsection a is "no," please explain and describe the source(s) of the facts and opinions included in his testimony about the nature, cost, necessity, and reasonableness of legal services rendered;
- c. Please state whether Mr. Brice directly reviewed any legal billings during the test year that are included in this rate request, and, if so, identify the billings and when his review took place;
- d. Has Mr. Brice ever been licensed as an attorney? If so, please state where he was licensed and the date(s) of such licensure.

**RFI 5-3:** Please review page 11, line 9 through page 13, line 2 of Mr. Brice's direct testimony. Please identify the sources of the facts and opinions included in his testimony concerning the standards and process used by AEPSC and/or SWEPCO for selecting outside counsel, and explain how those facts were transmitted to him.

**RFI 5-4:** Please review Mr. Brice's direct testimony on page 19, line 17 through page 21, line 5, and answer the following questions:

- a. Did Mr. Brice subscribe to the Texas Lawyer during the test year?
- b. Please state how Mr. Brice became aware of the Texas Lawyer survey referred to in his testimony, and explain if and when he personally reviewed the survey before his testimony was filed in this case.

**RFI 5-5:** Please explain the basis for Mr. Brice's knowledge of each legal practice group described on pages 8-9 of his Direct Testimony. Please explain if his knowledge has been obtained through 1) review of any emails, reports, memoranda, or any other document, 2) conversations with employees of the AEPSC Legal Department and if so, who that person was and/or 3) personal involvement in legal matters handled by the practice groups, and, if so, please describe the extent and nature of this involvement.

**RFI 5-6:** Please produce copies of all documents that were provided to Mr. Brice in preparation for his testimony in support of affiliate legal services expenses, whether or not they formed the basis for his opinions. If any such documents are included in the rate filing package, please provide specific references to any exhibits or schedules where they are included. If publicly available at no charge, please provide a clear and specific reference as to where and how such documents may be accessed.

October 24, 2012

Respectfully submitted,

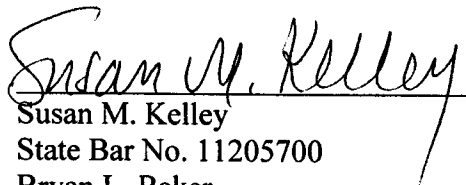
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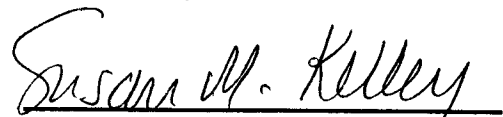
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **State Agencies' Fifth RFIs to SWEPCO** has been served upon SWEPCO and all parties of record in Docket No. 40443 by hand delivery, facsimile, or email, and/or First Class U.S. Mail on or before October 24, 2012.

  
Susan M. Kelley