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SOAH DOCKET NO. 0473-14-0366
PUC DOCKET NO. 41791

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APPLICATION OF ENTERGY TEXAS,
INC., FOR AUTHORITY TO CHANGE
RATES AND RECONCILE FUEL
COSTS

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BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**STATE AGENCIES' FOURTH REQUESTS FOR INFORMATION
TO ENTERGY TEXAS, INC.**

The State of Texas' agencies and institutions of higher education ("State Agencies") request Entergy Texas, Inc. ("ETI"), an Applicant in this proceeding, to provide the following information and answer the following questions or requests for admission under oath. Please answer the questions and admissions in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to each question. Please note the section entitled "Claim of Confidentiality" below and fully describe all facts that underlie your contentions that any information supplied is confidential under any cited statutes of the Texas Public Information Act. Please note further that you are under a continuing duty to supplement these responses, including any new information that may be added by rebuttal testimony filed in this case that makes the original answer incomplete, misleading, or erroneous.

Definitions

As used in this introduction and in these questions,

- (1) "ETI" refers to Entergy Texas, Inc., including its directors, officers, employees, consultants, agents and, unless privileged, their attorneys;
- (2) "Application" refers to the Application and supporting testimony, schedules and other documents submitted by ETI docketed as PUC Docket No. 41791;

- (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;
- (6) "Staff" means the professional staff of the PUC;
- (7) "You," "yours," "your," and "Company's" refer collectively to ETI, including its directors, officers, employees, consultants, agents and, unless privileged, their attorneys.

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

Note: For each of these questions, please provide documents that support your answers to these RFIs. If documents are publicly available, please provide a clear reference to those answers so that the documents responsive to State Agencies' RFIs may be located.

Please note further that you are under a continuing duty to supplement these responses, including any new information that may be added by rebuttal testimony filed in this case that makes the original answer incomplete, misleading, or erroneous.

RFI 4-1: Please review the Supplemental Direct Testimony of Michael Considine, specifically his request that the Commission reconsider its precedent denying recovery for depreciation as a rate case expense (pages 9-11). Please answer the following questions:

- a) Please furnish a list of all property or equipment upon which the depreciation amount requested as rate case expense is based, including nature of the property, locations, serial numbers, acquisition dates, and applicable FERC accounts, and where in Entergy's books and records the depreciation is recorded;
- b) Please state whether any of this equipment is included in the depreciation study that was used for Docket No. 39896;
- c) Please describe fully and completely the means by which the Company accounts for depreciation on a task-based and/or jurisdictional basis;
- d) Please review your answer to (a), and submit the complete time records that are kept for the equipment to support the request for depreciation. These records should include time logged to other jurisdictions and/or tasks that are not devoted to rate cases;
- e) Please identify all proceedings in jurisdictions where Entergy does business who have specifically ordered recovery of depreciation as a rate case expense.

RFI 4-2: Please itemize all costs related to ETI's request that the Commission reconsider its precedent regarding the non-recovery of depreciation as a rate case expense. Your answer should include, but not be limited to, the internal and external costs spent to prepare and review Mr. Considine's testimony on this issue. If it is your contention that you do not keep issue-based records of costs, please furnish a reasonable estimate of such costs.

RFI 4-3: For all external costs that the Company is requesting as rate case expenses, please list any amounts included for compiling, analyzing, researching, legal research and review, and/or writing and reviewing testimony and exhibits, and/or any other tasks undertaken to support the request for the "special circumstances" exception sought for purchased capacity.

RFI 4-4: For all costs that the Company is requesting as rate case expenses, that relate to food, lodging, transportation, depreciation, or any cost, please list any amounts incurred in connection with the request for the "special circumstances" exception sought for purchased capacity. If it is your position that these costs are not accounted for on a task basis, then please supply your reasonable estimate of such costs and describe the basis for the estimate.

RFI 4-5: Please identify and list all costs incurred after the test year for participation in the Purchased Capacity Recovery Factor rulemaking (PUC Project 39246), by amount, purpose, and person(s) performing the task, as well as related project numbers.

RFI 4-6: Please identify all rate case costs that were questioned by Mr. Morris (or his assistants) during his review. Please furnish copies of any emails documenting his questions and/or any responses. Please list any charges that were either reduced or taken out of the rate case request because of his review.

RFI 4-7: With regard to any costs billed from ESI to its subsidiaries as affiliate costs for salaries and related benefits for persons performing work for Entergy subsidiaries, please describe in detail how ESI, the Operating Companies, and any unregulated entities for whom services are also performed, ensure that rate recovery for an ESI employee's services does not exceed 100% of the cost of salaries and related benefits during the 2012 calendar year.

DATED: December 20, 2013

Respectfully submitted,

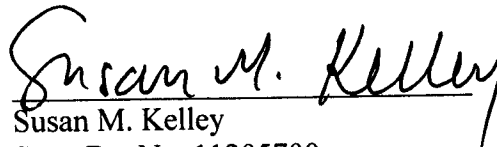
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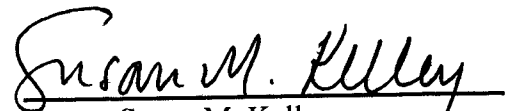

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **State Agencies' Fourth RFIs to ETI** has been served upon ETI and all parties of record in Docket No. 41791 by hand delivery, facsimile, or email, and/or First Class U.S. Mail on or before December 20, 2013.


Susan M. Kelley