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2017 MAY -1 AM 10:35

COMPLAINT OF EVERETTH HOLLEY §  
AGAINST AEP TEXAS CENTRAL §  
COMPANY, JUST ENERGY, AND CPL §  
RETAIL ENERGY

BEFORE THE STATE OFFICE OF  
PUBLIC UTILITY COMMISSION  
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

CPL's MOTION TO APPEAR TELEPHONICALLY FOR HEARING

CPL Retail Energy (CPL) respectfully submits this Motion to Appear Telephonically for the hearing in this matter scheduled for May 2, 2017 at 9:00 a.m.

CPL's witness and counsel are not located in Austin. CPL's witness, Alex Donaho, is based in Tulsa, Oklahoma; while CPL's counsel is based in Houston, Texas.

CPL's counsel has conferred with counsel for all other parties in this matter. Commission Staff and counsel for Respondents AEP, Texas Central and Just Energy Texas do not object to the request. Complainant Everetth Holley, however, does object to the request.

CPL submitted direct testimony addressing the issues identified in the Commission's January 12, 2017 Preliminary Order and demonstrating that it accurately billed Mr. Holley for electricity usage based on the meter data provided by AEP TCC and the Mr. Holley's rate plan.<sup>1</sup> In response, Mr. Holley did not file any rebuttal testimony, although SOAH Order No. 2 set his filing deadline on April 7, 2017. As such, Mr. Holley's objection to CPL's request to appear telephonically seems intended only to increase CPL's cost to defend this matter.<sup>2</sup>

For these reasons, CPL respectfully requests that its witness and counsel be permitted to participate in the May 2, 2017 hearing telephonically.

<sup>1</sup> Direct Testimony of Alex Donoho at 3:31-33 (Mar. 20, 2017).

<sup>2</sup> Mr. Holley stated that if he has to travel to Austin, he wants all other parties to have to travel there as well. So, counsel for CPL told Mr. Holley that CPL has no objection to Mr. Holley appearing telephonically for the hearing. Mr. Holley rejected that suggestion.

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Respectfully submitted,



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ATTORNEYS FOR  
CPL RETAIL ENERGY, LP

**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 hand-delivery, overnight delivery, facsimile transmission, or U.S. first-class mail on the 1st day of May, 2017.

/s/ Michael D. Matthews, Jr.  
Michael D. Matthews, Jr.