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APPLICATION OF EL PASO  
ELECTRIC COMPANY TO CHANGE  
RATES

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§

BEFORE THE STATE OFFICE  
OF PUBLIC UTILITY COMMISSION  
FILING CLERK  
ADMINISTRATIVE HEARINGS

SOLAR ENERGY INDUSTRIES ASSOCIATION'S  
THIRD REQUEST FOR INFORMATION TO  
STAFF OF THE PUBLIC UTILITY COMMISSION OF TEXAS

Pursuant to § 22.144 of the Commission's Procedural Rules, the Solar Energy Industries Association ("SEIA") requests that Staff of the Public Utility Commission of Texas (PUC Staff) provide the information requested in Exhibit "A" within the period specified in the procedural schedule in this case.

Pursuant to P.U.C. Proc. R. 22.144(c)(2), SEIA further requests that answers to the requests for information be made under oath. Each answer should identify the person responsible for preparing that answer (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can vouch for its accuracy. In producing documents pursuant to this request for information, please indicate the specific request(s) to which the document is being produced. These requests are continuing in nature, and should there be, for any reason, a change in circumstances which would modify or change an answer supplied by you, such changed answer should be submitted immediately as a supplement to your original answer pursuant to P.U.C. Proc. R. 22.144(i). Please answer each request and sub-request in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the request. SEIA further requests that each item of information be made available as it is completed, rather than upon compilation of all information requested. If any RFI appears confusing, please request clarification from the undersigned counsel.

All information responsive to the requests on the attached Exhibit "A" should be sent to the following person on a piecemeal basis as individual items become available:

Mr. Michael J. Jewell  
Jewell & Associates, PLLC  
506 West 7<sup>th</sup> Street, Suite 1  
Austin, TX 78701  
(512) 423-4065  
(512) 236-5170 (FAX)  
[michael@jewellandassociates.com](mailto:michael@jewellandassociates.com)

## **DEFINITIONS AND INSTRUCTIONS**

A. "El Paso Electric", "El Paso Electric Company", "EPE," "the Company", "you", "yours", and "your" refer to El Paso Electric Company, and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, directors, officers, attorneys, agents, advisors, investigators, representatives, consultants, employees or other persons.

B. "Applicant" refers to El Paso Electric Company, and its affiliates, subsidiaries, and any person acting or purporting to act on its behalf, as it relates to this and related appeals, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

C. The term "Commission" or "Staff" refers to the Staff of the Public Utility Commission of Texas.

D. The terms "document" or "documents" are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced, reproduced or stored by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mails, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. The definition includes electronic information that has been deleted. "Document" or "documents" shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

E. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, SEIA specifically requests that any electronic or magnetic information (which is included in the definition of "document") that is responsive to a request herein be produced on CD-Rom in a format that is compatible with Adobe Acrobat, Microsoft, Macintosh and/or Word Perfect and be produced with your response to these requests. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-Rom.

F. The terms "and" and "or" shall be construed both disjunctively and conjunctively is necessary to make the request inclusive rather than exclusive.

G. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each."

H. "Any" shall be construed to include "all" and "all" shall be construed to include "any".

I. The term "concerning," or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

I. The term "including," or one of its inflections, means and refers to "including but not limited to."

J. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

K. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

L. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

M. Pursuant to P.U.C. Proc. R. 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

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

O. The term "emails" includes the entire email string and all attachments found anywhere within the email string. Please refer to paragraph "D." regarding specific instructions for producing such items.

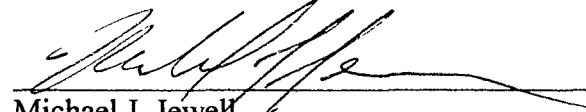
P. "Communications" refers to correspondence of any kind, including emails.

Q. "Identify" and "describe" shall have the meaning set forth below according to the context in which the term is used:

- i. When used in reference to an individual, shall mean to state his or her full name, present or last known residence address, business affiliation and business address, and residence and business telephone number;
- ii. When used in reference to a corporation, shall mean to state its full name, its state of incorporation, its address and its principal place of business;

- iii. When used in reference to any entity other than an individual or corporation, shall mean to state its official name, its organizational form and its address;
- iv. When used in reference to a document, shall mean to state the type of document, date, author, addressee, title, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any document, copies thereof may be furnished; and
- v. When used in reference to a communication, shall mean to state the form of the communication (e.g., telephone conversation, letter, telegram, teletype, telecopy, written memorandum, face to face conversation, or any other form), the date of the communication or the dates on which the communication was sent and/or received if not the same, the parties to the communication, the party who initiated it, the substance of the communication, and the present location and the name and address of the custodian if the communication was non-verbal and/or of any written memorialization of the communication.

Respectfully submitted,

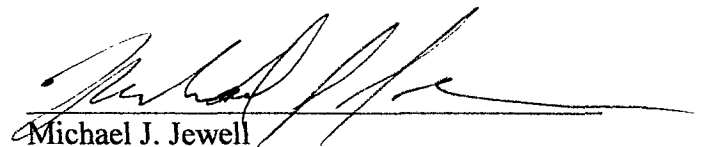


Michael J. Jewell  
Jewell & Associates, PLLC  
State Bar No. 10665175  
506 West 7<sup>th</sup> Street, Suite 1  
Austin, TX 78701  
(512) 423-4065  
(512) 236-5170 (FAX)

ATTORNEY FOR THE SOLAR ENERGY  
INDUSTRIES ASSOCIATION

#### **CERTIFICATE OF SERVICE**

I, Michael J. Jewell, Attorney and Representative for the Solar Energy Industries Association, certify that a copy of this document was served on all parties of record in this proceeding on the 25<sup>th</sup> day of July 2017 in accordance with PUC Proc. R. 22.74, except for Dr. Marjenah M. Fooladi who has failed to provide an email address.



Michael J. Jewell

## **Exhibit A**

### **SOLAR ENERGY INDUSTRIES ASSOCIATION'S THIRD FOR INFORMATION TO PUBLIC UTILITY COMMISSION STAFF**

- SEIA 3-1 Please provide all communication between Staff witness William B. Abbott and all non-Public Utility Commission Staff (Staff) persons and all communication between other Staff employees and non-Staff persons that are related to or were used in the development of Mr. Abbott's cross-rebuttal testimony.
- SEIA 3-2 Please refer to the cross-rebuttal testimony of Mr. Abbott at page 7 where he states: "Furthermore, even if it were the case that there was no substantive difference between DG and non-DG customers, then EPE's proposal would have no impact on the average DG customer bill (compared to the status-quo), and would result in lower electric bills for a large proportion of the DG customers."
- a. Please provide all analyses and workpapers in their native format with formulas intact that were developed to support this statement, including the degree to which electric bills would be "lower" and quantifying the specific proportion of DG customer that would experience these lower bills.
- SEIA 3-3 Please refer to the cross-rebuttal testimony of Mr. Abbott at page 7 where he states: "The Solar Intervenors have not provided evidence that the usage or load differences that these groups may exhibit leads to a misalignment between costs and rate recovery anywhere near the magnitude of the misalignment that exists for the DG customers. Furthermore, to the degree that any such misalignment may exist for these groups, EPE's proposed rate design is a partial step towards addressing such issues. The Solar Intervenors have also failed to show that any of these other customer groups are being meaningfully subsidized by other customers under the status-quo."
- Please also refer to EPE's response to SEIA 1-4 where EPE responded "EPE has no studies or cost of service specific to energy efficiency programs or measures."
- Please also refer to EPE's response to SEIA 1-26A where EPE admitted it did not have sample studies or load profile studies that looked at different subclasses of residential customers based on factors such as residence type (detached single family, multifamily, suburban apartment, urban apartment) or geographic location (rural, suburban, or urban).
- Please also refer to EPE's response to SEIA 9-10 where EPE states that "EPE does not calculate a penetration rate of air conditioning by strata for either the Residential or the Residential DG class." While EPE did provide limited load data on evaporative and refrigerated air conditioning customers, it does not have the penetration, and thus count, of customers in each group. This data point would be

required to perform a detailed cost of service analysis for customers with different air conditioning types.

Please also refer to EPE's response to EFCA 1-1, when asked for all related to the service profile of customers who receive electric and gas service as well as customers who receive all electric service, where EPE responded "EPE provides electric utility service only and does not provide gas utility service. EPE has no data on and does not track customers that receive combined electric and gas utility service. EPE has no data on and does track all-electric customers."

- a. Given that SEIA and EFCA specifically asked for, and EPE did not possess, the information needed to quantify the differences between certain subsets of residential customers other than DG customers and the average residential customer, how does Mr. Abbott reasonably expect the Solar Intervenors to have performed the analyses he references when the data needed is unavailable by EPE's own admission?
- b. Given that SEIA was explicitly prevented from performing said analyses due to the lack of data available from EPE, does Mr. Abbott still stand by his statement that the failure of any of the Solar Intervenors to produce these analyses still supports his position regarding claims that EPE's proposal is unreasonably discriminatory and prejudicial because EPE is not proposing similar treatment for groups of customers that adopt energy efficiency ("EE") measures or those with different air conditioning technologies? If so, please explain why in detail.

SEIA 3-4 Please refer to the cross-rebuttal testimony of Mr. Abbott at page 8 where he states: "Regarding claims that EPE's proposed demand charges are inconsistent with cost-causation and accepted ratemaking principles: This argument is incorrect, and also demonstrates that the Solar Intervenors making these claims have little understanding of Commission ratemaking practice. If accepted, the Solar Intervenors' claims would upend decades of Commission precedent, and conflict with the ratemaking treatments reflected in every currently existing Commission-approved retail tariff."

- a. Does Mr. Abbott contend that every tariff every approved the Commission adheres perfectly to cost-causation principles?
- b. Does Mr. Abbott acknowledge that Commission approved tariffs have changed from time to time in terms of their rate design?
- c. Does Mr. Abbott acknowledge that the first time a new rate design is approved, such as a TOU structure or a seasonal demand charge, that the Commission was necessarily overriding Commission precedent? If not, please explain why in detail.
- d. Please list every currently existing Commission-approved retail tariff for residential customers that contains a mandatory demand charge, a voluntary demand charge, a mandatory TOU charge, and a voluntary TOU charge.

SEIA 3-5 Please refer to the cross-rebuttal testimony of Mr. Abbott at page 8 where he states: “Understanding the basic differences between demand and energy is well within the grasp of most customers.”

- a. Without performing additional research, does Mr. Abbot assert that a typical customer will know the instantaneous and 1 hour average demand requirements of their oven, their microwave, their air conditioner (both with the compressor on and the compressor off), their water heater (during the day and also after taking a shower), their clothes washer, their clothes dryer, and their ventilation system?
- b. Other than not using hot water, does a typical customer have the ability to control when their hot water heater cycles on?

SEIA 3-6 Is Mr. Abbott’s criticism of policies that result in “concentrated benefits and diffuse costs” limited to only those situations where the long-term societal costs outweigh the long-term societal benefits, or does his criticism extend to the structure of the policy, independent of its net benefit to society?