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SOAH DOCKET NO. 473-19-3864
PUC DOCKET NO. 49421

RECEIVED

APPLICATION OF CENTERPOINT
ENERGY HOUSTON ELECTRIC, LLC
FOR AUTHORITY TO CHANGE RATES

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

2019 MAY 29 AM 9:20

**H-E-B, LP'S RESPONSE IN SUPPORT OF REQUEST TO AMEND PROCEDURAL
SCHEDULE**

H-E-B, LP ("H-E-B") hereby files this Response in Support of Request to Amend Procedural Schedule in the above-styled docket.

On May 20, 2019, CenterPoint Energy Houston Electric, LLC ("CenterPoint") filed an errata ("Errata I") to the direct testimony of seven of CenterPoint's witnesses.¹ On May 28, 2019, the Texas Coast Utilities Coalition ("TCUC"), the Alliance for Retail Markets ("ARM"), the Gulf Coast Coalition of Cities ("GCCC"), the Office of Public Utility Counsel ("OPUC"), the Texas Industrial Energy Consumers ("TIEC"), and the Texas Energy Association for Marketers ("TEAM") (collectively, "Joint Movants") filed joint objections to CenterPoint's Errata 1 and requested that the procedural schedule in this proceeding be suspended or amended to allow for full discovery on the Errata I and all corresponding supporting documents, which are yet to be filed by CenterPoint.² For the reasons listed below, H-E-B supports the objection of Joint Movants, the request to suspend the procedural schedule, and the request to establish a new procedural schedule in this proceeding.

1. It is improper for CenterPoint to present evidence in support of its Errata I in rebuttal testimony.

¹ CenterPoint's Errata 1 Filing to the Direct Testimony (May 20, 2019).

² Joint Objections to CenterPoint Energy Houston Electric LLC's Errata I and Request to Amend Procedural Schedule (May 28, 2019).

H-E-B agrees with Joint Movants that evidence filed in support of CenterPoint's Errata I is not rebuttal testimony and should not be filed as such. As described by Joint Movants, the Errata I includes many substantive changes to CenterPoint's testimony that result in significant rate changes for certain rate classes. It is essential that Intervenor be provided an opportunity to review any evidence supporting the Errata I prior to the deadline for Intervenor direct testimony. Allowing CenterPoint to present portions of its direct evidence *after* Intervenor have filed testimony is counter to the administrative process and to the integrity of the full review of CenterPoint's rate case application.

2. H-E-B is directly impacted by the Errata I.

Errata I includes revisions to the testimony of Mr. Matt Troxle pertaining to CenterPoint's recommendation for allocating Four Coincident Peak ("4CP") costs. Rather than providing clarity, the modifications to Mr. Troxle's testimony raise questions and uncertainty about how CenterPoint intends to apply its proposed 4CP allocation methodology. H-E-B currently pays 4CP costs for many of its facilities. Further, if CenterPoint's application is approved, many of H-E-B's facilities would be shifted from paying Non-Coincident Peak ("NCP") costs to 4CP costs. H-E-B's inability to review Mr. Troxle's workpapers and supporting documentation, as well as the inability to conduct discovery on the Errata I and supporting materials in advance of presenting H-E-B's direct testimony significantly impairs H-E-B's ability to present its direct case.

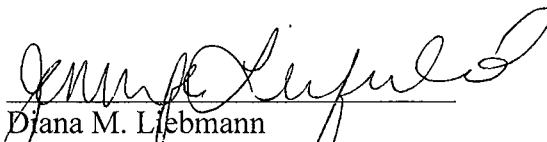
3. The current procedural schedule is untenable.

The procedural schedule adopted in this proceeding implements very tight deadlines that barely allow sufficient opportunity for intervening parties to review and respond to the application. H-E-B timely intervened in this proceeding, executed protective order certifications,

and requested copies of confidential materials from CenterPoint. However, H-E-B has yet to receive such confidential materials from CenterPoint, which are purportedly delayed in delivery due to a power outage at CenterPoint's main headquarters. If the materials are received today, H-E-B will have only four business days to review the materials and incorporate any necessary analysis into its direct testimony. The compressed schedule becomes untenable with the addition of the Errata I and its missing corresponding workpapers and supporting evidence. Additional time is necessary to allow H-E-B and other Intervenors to conduct discovery on CenterPoint's rate case application and provide a full analysis of the impacts of its proposals. The alternative remedy proposed by Joint Movants is insufficient to address the concerns raised by the Errata I and H-E-B therefore recommends that the procedural schedule be suspended and revised to allow CenterPoint the opportunity to file all testimony, schedules, and workpapers to support the Errata I and to allow parties to establish a new procedural schedule.

Whereas, H-E-B respectfully requests that the Administrative Law Judge grant Joint Movants request to suspend the current procedural schedule and establish a new procedural schedule in the above-styled proceeding.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on all parties to
this Docket on May 29, 2019.


Jennifer Littlefield