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SOAH DOCKET NO. 473-21-0538
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APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
ELECTRIC POWER COMPANY FOR § OF
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

**SOUTHWESTERN ELECTRIC POWER COMPANY’S OBJECTIONS TO
TEXAS INDUSTRIAL ENERGY CONSUMERS’
FIRST SET OF REQUESTS FOR INFORMATION**

Southwestern Electric Power Company (SWEPCO) objects to the First Set of Requests for Information (RFIs), Question No. 1-18, from Texas Industrial Energy Consumers (TIEC) because it seeks information that is subject to the attorney-client privilege and constitutes privileged attorney work product.

I. NEGOTIATIONS

SWEPCO received TIEC’s First Set of RFIs on October 22, 2020. Pursuant to an agreement with counsel for TIEC, the deadline for filing objections to RFI 1-18 was extended to November 12, 2020.

SWEPCO has identified responsive, but privileged, documents to RFI 1-18. Counsel for SWEPCO and TIEC have attempted to negotiate these objections diligently and in good faith. The negotiations were unsuccessful. These objections are timely filed.

II. OBJECTIONS

Request for Information

1-18 Please provide all internal communications regarding the decision to retire the Dolet Hills Power Station by the end of 2021.

Objection

SWEPCO objects to this request to the extent the request seeks privileged information protected from disclosure, including attorney-work product and confidential attorney-client communications.¹ The attorney-client privilege protects communications between attorney and client that are: (1) not intended to be disclosed to third parties, and (2) made for the purpose of facilitating the rendition of professional legal services.² Privileged work product includes material prepared or mental impressions developed in anticipation of litigation by a party's representatives, including the party's attorneys, consultants, employees, and agents.³

Certain materials responsive to RFI No. 1-18 encompass communications between SWEPCO, or its representatives, and SWEPCO's legal counsel, or its representatives, that were made to facilitate the rendition of legal services related to the retirement of the Dolet Hills Power Station, including confidential legal advice, opinions, and mental analyses; as well as materials prepared or mental impressions developed in anticipation of litigation. Such materials are protected under the attorney-client and work-product privileges.⁴

III. CONCLUSION

For the foregoing reasons, SWEPCO respectfully requests that its objections to TIEC's First Set of RFIs be sustained. SWEPCO further requests any other relief to which it may be justly entitled.

¹ Tex. R. Civ. Proc. 192.5; Tex. R. Evid. 503.

² Tex. R. Evid. 503.

³ Tex. R. Civ. Proc. 192.5(a).

⁴ Tex. R. Civ. Proc. 192.5; Tex. R. Evid. 503.

Respectfully submitted,

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