

Control Number: 52199

Item Number: 19

Addendum StartPage: 0



SOAH DOCKET NO. 473-21-2531 PUC DOCKET NO. 52199

2021 JUN 25 PM 12: 25

APPLICATION OF AEP TEXAS INC.	§	BEFORE THE STATE OFFICE LEAS
TO ADJUST ENERGY EFFICIENCY COST RECOVERY FACTOR AND	§ 8	OF
RELATED RELIEF	§	ADMINISTRATIVE HEARINGS

CITIES SERVED BY AEP TEXAS' RESPONSE TO COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

To: Public Utility Commission of Texas (Commission), by and through its attorney of record, Daniel Moore, Legal Division, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78701.

Cities Served by AEP Texas (Cities) files its Response to Public Utility Commission Staff's First Request for Information (RFI) to Cities received on June 17, 2021. This response is timely filed. Pursuant to 16 Tex. Admin. Code (TAC) § 22.144(c)(2)(F), Cities agree and stipulate that all parties may treat the responses as if the answers were filed under oath.

Respectfully submitted,

LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C.

816 Congress Avenue, Suite 1900 Austin, Texas 78701 (512) 322-5800 (512) 472-0532 (Fax) jmauldin@lglawfirm.com rkatz@lglawfirm.com

JAMIE L. MAULDIN State Bar No. 24065694

ROBYN F. KATZ State Bar No. 24060985

ATTORNEYS FOR CITIES SERVED BY AEP TEXAS

CERTIFICATE OF SERVICE

I hereby certify that notice of the filing of this document was provided to all parties of record via electronic mail on June 25, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

JAMIE L. MAULDIN

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SOAH DOCKET NO. 473-21-2531 PUC DOCKET NO. 52199

CITIES' RESPONSE TO COMMISSION STAFF'S FIRST RFI

Staff 1-1 Reference AEP's application at Bates 84–99. Please provide a copy of the

affidavit of the appropriate representative of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. that addresses the reasonableness and necessity of the municipalities' rate-case expenses and compliance with 16 TAC § 25.245.

RESPONSE: See Attachment Staff 1-1, Affidavit of Jamie L. Mauldin Related to Cities' Rate

Case Expenses in PUC Docket No. 50892.

Prepared by: Jamie L. Mauldin Sponsored by: Jamie L. Mauldin

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SOAH DOCKET NO. 473-21-2531 PUC DOCKET NO. 52199

APPLICATION OF AEP TEXAS INC. § BEFORE THE STATE OFFICE FOR APPROVAL TO ADJUST § OF ENERGY EFFICIENCY COST § ADMINISTRATIVE HEARINGS RELIEF

AFFIDAVIT OF JAMIE L. MAULDIN RELATED TO THE STEERING COMMITTEE OF CITIES SERVED BY AEP'S RATE CASE EXPENSES IN PUC DOCKET NO. 50892

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Jamie L. Mauldin who being by me first duly sworn, on oath deposed and said the following:

- 1. My name is Jamie L. Mauldin. I am a principal attorney with the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. (Lloyd Gosselink) and counsel for the Steering Committee of Cities Served by AEP Texas Inc. (Cities) in Docket No. 50892. I have been practicing public utility law since 2011 and have represented municipalities in numerous rate cases and various proceedings before the Public Utility Commission of Texas (Commission) and the Railroad Commission.
- 2. I am familiar with the work performed by Lloyd Gosselink and the technical consultant on behalf of Cities in connection with Docket No. 50892 concerning the *Application of AEP Texas Inc. to Adjust its Energy Efficiency Cost Recovery Factors and Related Relief.* I am over the age of 18 years and am not disqualified from making this affidavit. My statements are true and correct.
- 3. I have reviewed the billings of Lloyd Gosselink submitted to Cities for services performed in Docket No. 50892. I affirm that those billings accurately reflect the time spent and

expenditures incurred by Lloyd Gosselink on Cities' behalf. Those billings were accurately calculated before they were tendered, and there was no double billing. None of the charges billed to Cities have been recovered through reimbursement for other expenses. The expenses charged were associated with review of AEP Texas Inc. (AEP Texas or Company) proposed Energy Efficiency Cost Recovery Factor (EECRF) in Docket No. 50892 and were necessary to advise Cities and accomplish tasks in that proceeding. Total rate case expenses (inclusive of legal fees, consultant charges, and other expenses) for Docket No. 50892 are summarized in the chart attached to this affidavit as Exhibit A and are as follows:

- 4. For the period June 2020 through September 2020, Lloyd Gosselink requests approval of \$7,249 for legal services in Docket No. 50892. This figure includes legal fees and expenses. The fees and expenses incurred through September 2020 were necessary to advise Cities on rates, review the application, identify issues, retain and work with consultants, engage in discovery, and participate in settlement negotiations.
- 5. The attorneys' hourly rates of \$265-\$440, upon which the billings are based, are the same hourly rates charged other clients for comparable services during the same time frame. Our firm's rates are at the lower end of the range compared to the rates charged by other lawyers with similar experience providing similar services. The hours spent to perform the tasks assigned to Lloyd Gosselink were necessary to complete those tasks in a professional manner on a timely basis. Our experience in participating in utility rate cases at the Commission aids in our efforts to keep rate case expenses reasonable. Additionally, Lloyd Gosselink minimized rate case expenses by using associates and paralegals where possible to take advantage of lower billing rates.
- 6. The invoices submitted by Lloyd Gosselink include a description of services performed and time expended on each activity. The invoices for Docket No. 50892 are attached

to this filing as Exhibit B and have been submitted to Commission Staff and AEP Texas, and are available for review by other parties. Lloyd Gosselink has documented all charges with time sheets, invoices, and records. The documentation in this case is similar to that provided in many previous rate cases at the Commission.

- 7. Invoices from Lloyd Gosselink also include fees and expenses incurred charges from Resolved Energy Consulting, LLC for work performed by Karl Nalepa in the amount of \$3,834. Mr. Nalepa has testified before the Commission on many prior occasions. The hourly rate for Mr. Nalepa in Docket No. 50892 is \$270.00. This is the same or similar hourly rate charged other clients for comparable services during the same time period. Mr. Nalepa reviewed the Company's filings in Docket No. 50892, prepared discovery questions, prepared direct testimony, and provided technical support.
- 8. Neither Lloyd Gosselink nor any consultants for Cities have charged for luxury items, including first-class airfare, limousine service, entertainment, or alcoholic beverages. No meals were charged in excess of \$25 per person, and no individual billed for more than 12 hours per day.
- 9. The issues addressed by Cities each have a reasonable basis in law, policy, or fact. Cities' attorneys reviewed the relevant law and Commission rule provisions to ensure that the issues raised by Cities' case were reasonably grounded and relevant to this matter.
- 10. The total amount requested for rate case expenses through September 2020 in the amount of \$11,083 for Docket No. 50892 is reasonable given the complexity of the case and the nature of Cities' analysis in this matter.

JAMIE L. MAULDIN

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 25th day of June 2021.

Notary Public Ward

PATRICIA E MARTINEZ Notary Public, Blate of Toxas Comm Explice 08-28-2022 Notary ID 12003315

2021 AEP EECRF Docket No. 50892

	Invoice Date	Invoice No.	Billing Period	Through Period		Invoice Amount	To	tal Billed to Date	
Lloyd Gosselink	7/8/2021	97512425	6/1/2020	6/30/2020	\$	3,602.00	\$	3,602.00	
	8/26/2020	97513855	7/1/2020	7/31/2020	\$	3,471.00	\$	7,073.00	
	10/22/2020	97515384	9/1/2020	9/3/2020	\$	176.00	\$_	7,249.00	
Total LG									\$ 7,249.00
* / /					14	2 , 3h-1		. 4. 1.	
ReSolved Energy Consulting, LLC (Nalepa)									
	7/2/2020	4624	6/1/2020	6/30/2020	\$	3,213.00	\$	3,213.00	
	8/4/2020	4637	7/1/2020	7/31/2020	\$	621.00	\$	3,834.00	
Total ReSolved									\$ 3,834.00
1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	(r, 2)				,				
Lloyd Gosselink + Consultants									
	7/8/2021	97512425	6/1/2020	6/30/2020	\$	3,602.00	\$	3,602.00	
	8/26/2020	97513855	7/1/2020	7/31/2020	\$	7,305.00	\$	10,907.00	
	10/22/2020	97515384	9/1/2020	9/3/2020	\$	176.00	\$	11,083.00	
									\$ 11,083.00
Total				,				· · · · · · · · · · · · · · · · · · ·	\$ 11,083.00



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July 8, 2020

Cities Served by AEP Texas Inc c/o City of McAllen Attn Kevin Pagan PO Box 220 McAllen, TX USA 78505-0220

Invoice: 97

97512425

Client: Matter: 3862

Billing Attorney:

8 JLM

INVOICE SUMMARY

For professional services and disbursements rendered through June 30, 2020:

RE: AEP Texas 2021 EECRF Filing

Professional Services Total Disbursements \$ 3,602.00

TOTAL THIS INVOICE

\$3,602.00

Cities Served by AEP Texas Inc AEP Texas 2021 EECRF Filing I.D.3862-8-JLM

July 8, 2020 Invoice: 97512425

PROFESSIONAL SERVICES RENDERED

Date	Atty	Description Of Services Rendered	Hours
6/01/20	TLB	Review filing; discuss filing with clients; coordinate consultants and attorney	.50
		assignments (Administration).	
6/02/20	WPD	Draft engagement agreement; edit and finalize engagement agreement; draft motion	.60
		to intervene (Administration).	
6/02/20	HEC	Proofread engagement letter with ReSolved Energy (Case Management/Admin).	.20
6/03/20	TLB	Review and finalize Motion to Intervene (Administration).	.20
6/03/20	WPD	Edit motion to intervene; edit engagement agreement (Administration).	.40
6/04/20	TLB	Prepare and distribute consultant agreements (Administration).	.20
6/04/20	JLM	Review Motion to Intervene; correspondence regarding same (Administration).	.40
6/04/20	WPD	Edit motion to intervene and arrange for filing (Administration).	.10
6/04/20	HEC	Review Order of Referral; calendar deadline (Case Management/Admin).	.10
6/05/20	TLB	Send client communication regarding filing; prepare engagement agreements; discuss filing with K. Nalepa (Administration).	.60
6/05/20	JLM	Correspondence regarding city coalition and participation (Administration).	.30
6/05/20	WPD	Review and respond to emails regarding city intervenors and supplemental motion to	.50
0,00,20		intervene; call with H. Campbell regarding tracking cities' participation; review and	
		analyze PUC EECRF rules (Administration).	
6/05/20	HEC	Discuss tracking intervention with project team; review SOAH Order No. 1; calendar	.20
		deadlines (Case Management/Admin).	
6/10/20	WPD	Prepare protective order certification cover letter and certifications; draft list of	1.10
		issues; continue drafting list of issues; edit list of issues and send to K. Nalepa	
		(Administration).	
6/10/20	HEC	Discuss protective order certification filing with project team (Case	.10
		Management/Admin).	
6/10/20	HEC	Review correspondence; draft intervention tracking sheet for AEP cities (Case	.20
		Management/Admin).	
6/11/20	WPD	Review and analyze EECRF application; draft summary of company's request	.80
		(Administration).	
6/12/20	TLB	Review List of Issues (Administration).	.20
6/12/20	WPD	Review and finalize edits to list of issues; discussions with K. Nalepa and J. Mauldin	.30
		regarding procedural schedule (Administration).	
6/15/20	WPD	Edit Cities' First RFI to AEP (Discovery).	.30
6/15/20	WPD	Prepare and finalize protective order certification filings (Administration).	.20
6/16/20	JLM	Review filings (Administration).	.30
6/16/20	HEC	Review SOAH Order No. 2; case management; calendar deadlines (Case	.40
		Management/Admin).	
6/16/20	HEC	Review correspondence; case management; update AEP cities intervention tracking	.10
		sheet (Case Management/Admin).	
6/17/20	TLB	Prepare client engagement letters (Administration).	.20

Cities Served by AEP Texas Inc AEP Texas 2021 EECRF Filing I.D.3862-8-JLM July 8, 2020 Invoice: 97512425

Date	Atty	Description Of Services Rendered	Hours
6/18/20	TLB	Review filings (Administration).	.30
6/18/20	WPD	Email AEP regarding confidential portions of application and testimony	.10
		(Administration).	
6/18/20	HEC	Review intervention tracking sheet; draft Supplemental Motion to Intervene (Case	.30
		Management/Admin).	
6/19/20	WPD	Edit supplemental motion to intervene (Administration).	.40
6/22/20	WPD	Review procedural deadlines and emails regarding settlement conference date and	.20
		time; call with K. Nalepa regarding preparation of settlement position and settlement	
		conference dates (Administration).	
6/22/20	HEC	Proofread Cities' Supplemental Motion to Intervene; case management; prepare same	.60
		for filing with the PUC; e-file same; email correspondences (Case	
		Management/Admin).	
6/24/20	SJW	Update Intervention track chart (Administration).	.10
6/25/20	WPD	Call with K. Nalepa regarding settlement issues; call with J. Mauldin regarding	.40
		EECRF status and settlement issues (Administration).	
6/25/20	WPD	Draft email to AEP regarding RFI responses not being filed on time; forward RFI	.20
		responses to K. Nalepa (Discovery).	
6/26/20	JLM	Review RFI responses (Administration).	.30
6/26/20	WPD	Call with K. Nalepa regarding issues with filing and RFI responses; call with J.	.20
		Mauldin regarding issues with filing and RFI responses (Discovery).	
6/29/20	WPD	Attend settlement conference; call with T. Brocato to update him on rate case issues	.80
		and settlement status; summarize settlement conference for J. Mauldin; call with K.	
		Nalepa regarding settlement follow-up; review AEP's counteroffer on Cities'	
C 12 0 12 0	*****	proposed adjustment; discuss with J. Mauldin (Administration).	
6/30/20	WPD	Discuss AEP's settlement offer with K. Nalepa and J. Mauldin; draft response email	.70
		to company, accepting settlement offer; respond to Commission Staff's email	
		regarding status of settlement and plans on requesting hearing or not; call with Staff	
		regarding potential issue with intervenor testimony deadline; discuss Staff's timing	
		issue with K. Nalepa regarding request for a hearing affecting intervenor testimony	
		deadline (Administration).	

TOTAL PROFESSIONAL SERVICES

\$ 3,602.00

SUMMARY OF PROFESSIONAL SERVICES

Name	Staff Level	Hours	Rate	Total
Thomas L Brocato	Principal	2.20	440.00	968.00
Jamie L Mauldin	Principal	1.30	300.00	390.00
W Patrick Dinnin	Associate	7.30	265.00	1,934.50
Sam J Weaver	Paralegal	.10	125.00	12.50
Hanna E Campbell	Paralegal	2.20	135.00	297.00
TOTALS	7	13.10		\$ 3,602.00

Cities Served by AEP Texas Inc AEP Texas 2021 EECRF Filing I.D.3862-8-JLM

July 8, 2020 Invoice: 97512425

TOTAL THIS INVOICE

\$3,602.00



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August 26, 2020

Cities Served by AEP Texas Inc c/o City of McAllen Attn Kevin Pagan PO Box 220 McAllen, TX USA 78505-0220

Invoice:

97513855

Client:

3862

Matter:

8

Billing Attorney:

JLM

INVOICE SUMMARY

For professional services and disbursements rendered through July 31, 2020:

RE: AEP Texas 2021 EECRF Filing

Professional Services Total Disbursements \$ 3,471.00 \$ 3,834.00

TOTAL THIS INVOICE

\$ 7,305.00

Cities Served by AEP Texas Inc AEP Texas 2021 EECRF Filing I.D.3862-8-JLM August 26, 2020 Invoice: 97513855

PROFESSIONAL SERVICES RENDERED

Date	Atty	Description Of Services Rendered	Hours
7/01/20	TLB	Review filings, settlement strategy and options (Administration).	.40
7/01/20	WPD	Review motion to abate and respond to company (Administration).	.10
7/06/20	WPD	Update EECRF tracking chart with AEP EECRF details; draft Cities' second	.50
		supplemental motion to intervene (Administration).	
7/06/20	SJW	Review SOAH Order No. 3 and calendar deadlines.	.10
7/07/20	WPD	Draft affidavit for rate case testimony; discuss EECRF, testimony; affidavits, and	1.20
7/07/20	WDD	client approval with T. Brocato (Administration).	20
//0///20	WPD	Call with S. Weaver regarding rate case expense summary spreadsheet and updating numbers (Rate Case Expenses).	.20
7/08/20	WPD	Summarize settlement; draft letter to cities regarding approval of settlement; review	1.40
		edits to second supplemental motion to intervene; arrange filing of the same (Administration).	
7/08/20	SJW	Update expense tracking chart and assemble invoices; review Cities' 2nd	.70
1100/20	33 W	Supplemental Motion to Intervene; finalize and file Cities' 2nd Supplemental Motion	.70
		to Intervene.	
7/09/20	TLB	Prepare and distribute client settlement update (Administration).	.40
7/09/20	WPD	Review and edit K. Nalepa testimony; edit draft affidavit; review attachments and	1.00
		invoices for rate case expense testimony (Administration).	
7/10/20	TLB	Review testimony (Administration).	1.00
7/10/20	JLM	Review K. Nalepa testimony and follow-up correspondence regarding same	.40
		(Administration).	
7/10/20	WPD	Review edits to testimony filing and approve for filing (Administration).	.20
7/20/20	WPD	Analyze and edit settlement documents (Administration).	2.30
7/21/20	JLM	Call with P. Dinnin regarding settlement document revisions (Administration).	.60
7/21/20	WPD	Call with J. Mauldin regarding AEP proposed order language; call with J. Mauldin	.30
		and P. Pearsall regarding proposed order language (Administration).	
7/22/20	WPD	Review and edit settlement documents; call with K. Nalepa regarding settlement	1.20
		provisions (Administration).	
7/28/20	WPD	Review and analyze AEP proposed edits to settlement documents (Administration).	.20

TOTAL PROFESSIONAL SERVICES

\$ 3,471.00

SUMMARY OF PROFESSIONAL SERVICES

Name	Staff Level	Hours	Rate	Total
Thomas L Brocato	Principal	1.80	440.00	792.00
Jamie L Mauldin	Principal	1.00	300.00	300.00
W Patrick Dinnin	Associate	8.60	265.00	2,279.00
Sam J Weaver	Paralegal	.80	125.00	100.00

Cities Served by AEP Texas Inc AEP Texas 2021 EECRF Filing 1.D.3862-8-JLM August 26, 2020 Invoice: 97513855

TOTALS

12.20

\$ 3,471.00

DISBURSEMENTS

Date	Description	Amount
6/30/20	ReSolved Energy Cons Voucher # - 000105372 ReSolved Energy Consulting,	3,213.00
	LLC, Consultant Services, Professional services for June 2020 regarding AEPTX	
	20 EECRF 50892 project, 07/02/2020	
7/31/20	ReSolved Energy Cons Voucher # - 000105663 ReSolved Energy Consulting,	621.00
	LLC, Consultant Services, Professional services for July 2020 regarding AEPTX	
	20 EECRF 50892 project, 08/04/2020	

TOTAL DISBURSEMENTS

\$ 3,834.00

TOTAL THIS INVOICE

\$ 7,305.00

Exhibit B

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420 Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
7/2/2020	4624

BILL TO Thomas Brocato Lloyd Gosselink 816 Congress Ave, # 1900 Austin, Tx 78701

 PROJECT	
 LG AEPTX 20 EECRF 50892	

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	11.9	270.00	3,213.00
			!
Work Completed thru - June 30, 2020	тс	OTAL DUE	\$3,213.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
June 10, 2020	Review filing (A/CM 1 0)	1.00
June 11, 2020	Review filing Review and edit issues list. (A/CM 1 20)	1.20
June 12, 2020	Complete edits and send to P Dinnin for review Review filing and prepare discovery Review draft	
	procedural schedule (A/CM 1 80)	1 80
	Complete discovery and send to P Dinnin for review. Work on analysis. (A/CM 0 50; A&G 0.80)	1.30
June 16, 2020	Work on analysis (A&G 0 70)	0.70
June 19, 2020	Review responses to discovery (A&G 0 50)	0 50
June 22, 2020	Call with P Dinnin to discuss case status and schedule Work on analysis. (A/CM 0 20; A&G 0 30)	0.50
June 23, 2020	Work on analysis. (A&G 1.0)	1 00
June 25, 2020	Work on analysis and adjustments. (A&G 0.70)	0.70
June 26, 2020	Review responses to discovery. Work on analysis and adjustments. (A&G 1.50)	1 50
June 29, 2020	Work on adjustments Prepare for and participate on settlement call with parties. Calls with P Dinnin	
	to discuss meeting and settlement offer. (A&G 0.50, A/CM 1.0)	1 50
June 30, 2020	Call with P. Dinnin regarding response to settlement offer. (A/CM 0 20)	0 20

11.90

A/CM = Administration/Case Management A&G = Administrative & General

Recap_June 2020_ KJN.xls

Exhibit B

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420 Austin, TX 78759

Invoice

DATE	INVOICE NUMBER	
8/4/2020	4637	

BILL TO

Thomas Brocato Lloyd Gosselink 816 Congress Ave, # 1900 Austin, Tx 78701

	PROJECT	
LC	G AEPTX 20 EECRF 5	0892

TOTAL DUE

\$621.00

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	2.3	270.00	621.00
Work Completed thru - July 31, 2020	TO	TAL DUE	\$621.00

Attachment Staff 1-1 Page 16 of 18 Exhibit B

Monthly Recap

Karl Nalepa

Date	Task	
July 1, 2020	Call with P. Dinnin regarding settlement status.	0.20
July 8, 2020	Prepare RCE testimony and send to P Dinnin for review.	1.30
July 22, 2020	Review settlement documents and case files	0.80

2.30



816 Congress Avenue, Suite 1900 Austin, Texas 78701 Telephone: (512) 322-5800 Facsimile: (512) 472-0532

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October 22, 2020

Cities Served by AEP Texas Inc c/o City of McAllen Attn Kevin Pagan PO Box 220 McAllen, TX USA 78505-0220

Invoice: 97515384 Client: 3862

Client: 3862 Matter: 8

Billing Attorney: JLM

INVOICE SUMMARY

For professional services and disbursements rendered through September 30, 2020:

RE: AEP Texas 2021 EECRF Filing

Professional Services \$176.00
Total Disbursements \$.00

TOTAL THIS INVOICE \$ 176.00

Cities Served by AEP Texas Inc AEP Texas 2021 EECRF Filing I.D.3862-8-JLM October 22, 2020 Invoice: 97515384

PROFESSIONAL SERVICES RENDERED

Date	Atty	Description Of Services Rendered	Hours
9/15/20	TLB	Review filings and the proposed order (Administration).	.40

TOTAL PROFESSIONAL SERVICES

\$ 176.00

SUMMARY OF PROFESSIONAL SERVICES

Name	Staff Level	Hours	Rate	Total
Thomas L Brocato	Principal	.40	440.00	176.00
TOTALS		.40		\$ 176.00

TOTAL THIS INVOICE

\$ 176.00