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**SOAH DOCKET NO. 473-22-00990
PUC DOCKET NO. 53679**

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

**TEXAS ENERGY ASSOCIATION FOR MARKETERS' FIRST REQUEST FOR
INFORMATION TO AEP TEXAS INC.**

To: AEP Texas Inc., by and through its attorneys of record, Leila Melhem, 400 West 15th Street, Suite 1520, Austin, TX 78701 and Patrick Pearsall, P.O. Box 1149, Austin, TX 78767.

This document is directed to AEP Texas Inc. (AEP).

Pursuant to 16 Texas Administrative Code (TAC) § 22.144 and the Texas Rules of Civil Procedure, Texas Energy Association for Marketers (TEAM) propounds to AEP the requests for information set forth in the attached Exhibit "A."

On or before July 18, 2022, AEP must answer each of the requests for information separately, fully, in writing, and under oath and serve a signed copy of the answers to these requests upon counsel for TEAM, Catherine Webking, at the following addresses: Spencer Fane LLP, 9442 N. Capital of Texas Highway, Plaza I, Suite 500, Austin, TX 78759 and cwebking@spencerfane.com.

All definitions and instructions governing discovery in the Texas Rules of Civil Procedure, the procedural rules of the Public Utility Commission of Texas (Commission), and the State Office of Administrative Hearings (SOAH) and all applicable orders issued herein shall apply to these discovery requests. Specific definitions and instructions are set forth below.

Unless written requests for clarification are received by the undersigned, it shall be presumed that all requests are fully and completely understood.

If the items requested to be produced herein have already been provided in other discovery answers to TEAM or to another party, it shall not be necessary to duplicate such production. It

shall be sufficient that the answer containing the requested information is clearly identified. Where only a portion of the requested information has been previously provided, this shall be disclosed and all information necessary to fully and completely answer this discovery request shall be provided in your answer.

If the answer to any request consists of a document(s) obtained by the answering party from TEAM, it shall not be necessary to produce the document. It shall only be necessary to describe the document, its date, subject matter, and when/how it was obtained from TEAM. If the requested document is found in the public records of the Commission or other governmental agency, the answering party shall describe the exact location, file name, and custodian from whom the specific referenced document can be obtained.

I. DEFINITIONS

The following definitions apply to all of the requests for information in their entirety, including the instructions noted below:

1. “AEP” means AEP Texas Inc. and any entity or person acting or purporting to act on its behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, independent contractors, or other persons.
2. “Commission” means the Public Utility Commission of Texas.
3. “Communication” means any oral, written, or electronic statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions, or symposium of which AEP has knowledge, information, or belief.
4. “Concerning” means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
5. “Date” means the exact day, month, and year, if ascertainable or, if not, the best approximation.
6. “Describe” or “identify,” when used in reference to a **document**, means you must state, to the fullest extent possible, the following:
 - (a) The nature (*e.g.*, letter, handwritten note) of the document;
 - (b) The title or heading that appears on the document;
 - (c) The date of the document and the date of each addendum, supplement, or other addition or change;
 - (d) The identity of: the author of the document; any signatory or signatories of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
 - (e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
7. “Describe” or “identify,” when used in reference to an **entity**, means you must state, to the fullest extent possible, the following:
 - (a) The entity’s full and correct legal name;
 - (b) The nature of the entity’s structure and/or organization;

- (c) The address, telephone and fax number of the entity's principal offices;
 - (d) The principal line(s) of the entity's business or activity; and
 - (e) The officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
8. "Describe" or "identify," when used in reference to a **person or individual**, means you must state, to the fullest extent possible, the following:
- (a) The individual's full name;
 - (b) The individual's present or last known residential address, including zip code;
 - (c) The individual's present or last known occupation, job title, employer, employer's address, including zip code, and employer's telephone and facsimile number(s);
 - (d) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular request for information; and
 - (e) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the request for information, and the officer who is responsible for supervising that officer or employee.
9. "Document(s)" or "documentation" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under the direct or indirect control of, or on behalf of Opposing Party.
10. "Entity" means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.
11. "Person(s)" or "Individual(s)" means any natural person.

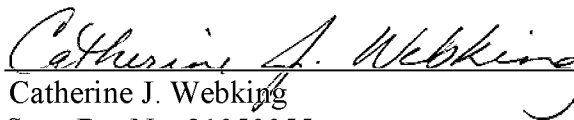
12. “Possession, custody or control” of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to the person who has physical possession of the item.
13. The word “and” means “and/or.”
14. The word “or” means “or/and.”
15. “You,” and “your,” means AEP, its agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of AEP.
16. “Application” means the Application of AEP Texas Inc. to Adjust its Energy Efficiency Cost Recovery Factor, filed with the Commission on June 1, 2022, and which is the subject matter of PUC Docket No. 53679.

II. INSTRUCTIONS

1. As to any request for information to which you are unable to respond to in whole or in part, for any reason, please state the grounds for your inability to respond. When you believe that a complete answer to a particular request for information or part thereof is not possible, please answer each request for information to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.
2. For each document or other requested information that you assert is privileged, please comply with the requirements of Rule 193.3 of the Texas Rules of Civil Procedure and 16 TAC § 22.144.
3. For every document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
4. It is requested that all documents that might impact on the subject matter of AEP's Application be preserved and that any ongoing process of document destruction involving such documents cease.
5. Furnish all requested documents available to you and known by you, or in your possession, custody, or control or that of your agents and attorneys.
6. In those instances where you choose to answer a request for information by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit TEAM to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained, as readily as can AEP.
7. In those instances when requested information or documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. Please respond to each request for information and indicate clearly the request for information to which each response is responsive. When requests for information contain subparts, indicate in your answer the subpart to which each particular part of your response is in response.
9. You are under a duty to supplement your responses to these requests for information that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any request for information between the time of the original responses and the conclusion of this proceeding.

10. Unless otherwise indicated, the discovery requested in these requests for information relate to the time period from January 1, 1999, through and including the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

Respectfully submitted,

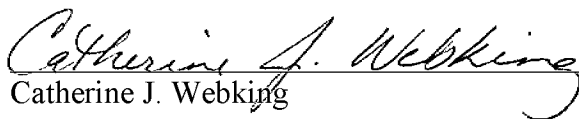


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**ATTORNEYS FOR TEXAS ENERGY
ASSOCIATION FOR MARKETERS**

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 28, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Catherine J. Webking

EXHIBIT A

**SOAH DOCKET NO. 473-22-00990
PUC DOCKET NO. 53679**

**TEXAS ENERGY ASSOCIATION FOR MARKETER'S FIRST REQUEST FOR
INFORMATION TO AEP TEXAS INC.**

- TEAM 1-1:** Please identify the budgeted amounts included in the Application for residential demand response (RDR) programs that will be offered during program year 2023 (a) through retail electric providers (REP); (b) in partnership with REPs; or (c) through third party providers that are not REPs.
- TEAM 1-2:** For any RDR program that will be offered during program year 2023, please identify any cap on the number of customers permitted to participate in the program and explain how the cap was determined as well as the reason for the cap.
- TEAM 1-3:** For any Residential Load Management program, please describe how customers can be enrolled in the program and the process by which a customer can be unenrolled within the same program year. For instance, if a customer is enrolled by a third party provider in AEP's Residential Load Management program but withdraws their consent with the third party provider and wishes to enroll in such program through their REP, is there a process by which that can be done? If so, please describe that process. If not, please explain why not.
- TEAM 1-4:** Please admit or deny that AEP offers a Residential Smart Thermostat Program.
- TEAM 1-5:** If the response to TEAM 1-4 is admit, please provide:
- (a) the budgeted amount included in the Application and actual amounts expended for the Smart Thermostat Program for program years 2018-2022;
 - (b) the number of Smart Thermostats included within the budgets;
 - (c) the dollar amount or range provided per Smart Thermostat;
 - (d) the percentage of each Smart Thermostat paid for by the program if each thermostat is not paid in full;
 - (e) documentation of research regarding of the appropriate level payments toward or for Smart Thermostats; and
 - (f) the current agreement and/or other documents AEP requires REPs and third parties to execute to participate in the program.
- TEAM 1-6:** If the response to TEAM 1-4 is deny, please explain whether AEP has plans to implement a Smart Thermostat Program and the amounts spent to date on research and development of same.
- TEAM 1-7:** Please admit or deny that AEP offers a Commercial Smart Thermostat Program as part of its EECRF Program.

- TEAM 1-8:** If the response to TEAM 1-7 is admit, please provide:
- (a) the budgeted amount included in the Application and actual amounts expended for the Commercial Smart Thermostat Program for program years 2018-2022;
 - (b) the number of Smart Thermostats included within the budgets;
 - (c) the dollar amount or range provided per Smart Thermostat;
 - (d) the percentage of each Smart Thermostat paid for by the program if each thermostat is not paid in full; and
 - (e) the current agreement and/or other documents AEP requires REPs and third parties to execute to participate in the program.
- TEAM 1-9:** If the response to TEAM 1-7 is deny, please explain whether AEP has plans to implement a Commercial Smart Thermostat Program and the amounts spent to date on research and development of same.
- TEAM 1-10:** For any RDR program that will be offered during program year 2023, including a Smart Thermostat program, please identify the categories of customer information AEP requires to enroll the customer. For each category identified, please explain how the information is used and why it is needed.
- TEAM 1-11:** In the last seven years, has AEP studied, analyzed, or otherwise researched offering RDR programs solely through REPs rather than third party vendors?
- TEAM 1-12:** If the response to TEAM 1-11 is yes, please describe the types of RDR programs researched and provide all documents relevant to the study, analysis, or research including emails or information prepared by a third party retained by AEP for the purpose of researching residential demand response programs.
- TEAM 1-13:** In the last seven years, has AEP studied, analyzed, or otherwise researched a program that includes working with competitive entities (e.g., REPs or back-up home generation companies) to deploy at-home generators or power stations to residential customers or a subset of residential customers (e.g., medically vulnerable or low-income customers)?
- TEAM 1-14:** If the response to TEAM 1-13 is no, does AEP have any plans to research this type of program?
- TEAM 1-15:** If the response to TEAM 1-13 is yes, please provide all documents relevant to AEP's research.
- TEAM 1-16:** In the last seven years, has AEP studied, analyzed, or otherwise researched a program that includes working with REPs to deploy Smart Thermostats and obtain customer consent for REP or third party control of the thermostat (with the customer retaining the right to override)?
- TEAM 1-17:** If the response to TEAM 1-16 is no, does AEP have any plans to research this type of program?

TEAM 1-18: If the response to TEAM 1-16 is yes, please provide all documents relevant to AEP's research.

TEAM 1-19: Please identify the number of RDR programs, including pilot programs, that AEP has offered in the last seven years and provide the following by program year:

- (a) the name of the program;
- (b) a brief description of the program;
- (c) the program years during which the program was offered; and
- (d) the reason for discontinuing the program if it is no longer offered.