



## Filing Receipt

**Received - 2022-09-29 02:38:12 PM**  
**Control Number - 53719**  
**ItemNumber - 147**

**SOAH DOCKET NO. 473-22-04394  
PUC DOCKET NO. 53719**

<b>APPLICATION OF ENTERGY</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>TEXAS, INC. FOR AUTHORITY</b>	<b>§</b>	<b>OF</b>
<b>TO CHANGE RATES</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**TEXAS INDUSTRIAL ENERGY CONSUMERS FIFTH REQUEST FOR  
INFORMATION TO ENTERGY TEXAS, INC.**

Pursuant to 16 T.A.C. § 22.144, Texas Industrial Energy Consumers (“TIEC”) requests that Entergy Texas, Inc. (“ETI”) provide all of the information requested in Exhibit “A” within the time frame specified under the procedural schedule set in this proceeding.

Pursuant to 16 T.A.C. § 22.144(c)(2), TIEC 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 16 T.A.C. § 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. TIEC further requests that each item of information be made available as it is completed, rather than upon compilation of all information requested.

All information responsive to the requests on the attached Exhibit “A” should be sent to the following persons via overnight courier, on a piecemeal basis as individual items become available:

Mr. Rex D. VanMiddlesworth  
Mr. Benjamin B. Hallmark  
Mr. Christian E. Rice  
O'Melveny & Myers LLP  
303 Colorado, Suite 2750  
Austin, Texas 78701  
(737) 261-8600  
[rexvanm@omm.com](mailto:rexvanm@omm.com)  
[bhallmark@omm.com](mailto:bhallmark@omm.com)  
[crice@omm.com](mailto:crice@omm.com)  
[OMMeservice@omm.com](mailto:OMMeservice@omm.com)

### **DEFINITIONS AND INSTRUCTIONS**

A. "ETI," "the Company" or "you" refers to Entergy Texas Inc., and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

B. 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-mail, 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.

C. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, TIEC 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.

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

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

F. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”

G. 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.

H. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

I. 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.

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

K. If any document is withheld under any claims 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. This instruction is not intended to impose an obligation greater than contemplated by the Commission’s rules and any applicable orders in this case.

L. Pursuant to 16 T.A.C. § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

M. 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.

N. 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.

O. “Communications” refers to correspondence of any kind, including emails.

P. “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, business affiliation, job title, and business address and 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,

O'MELVENY & MYERS LLP

/s/ Christian E. Rice

Rex D. VanMiddlesworth

State Bar No. 20449400

Benjamin B. Hallmark

State Bar No. 24069865

Christian E. Rice

State Bar No. 24122294

303 Colorado, Suite 2750

Austin, Texas 78701

(737) 261-8600

rexvanm@omm.com

bhallmark@omm.com

crice@omm.com

OMMeservice@omm.com

**ATTORNEYS FOR TEXAS INDUSTRIAL  
ENERGY CONSUMERS**

**CERTIFICATE OF SERVICE**

I, Christian E. Rice, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 29<sup>th</sup> day of September, 2022 by electronic mail, facsimile, and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian E. Rice

Christian E. Rice

SOAH DOCKET NO. 473-22-04394  
PUC DOCKET NO. 53719

APPLICATION OF ENTERGY	§	BEFORE THE STATE OFFICE
TEXAS, INC. FOR AUTHORITY	§	OF
TO CHANGE RATES	§	ADMINISTRATIVE HEARINGS

**TEXAS INDUSTRIAL ENERGY CONSUMERS FIFTH REQUEST FOR  
INFORMATION TO ENTERGY TEXAS, INC.**

- TIEC 5-1** For any witness that testifies on ROE issues in this proceeding, please provide any return on equity (ROE) that they have recommended in the last five years. For each proceeding in which such an ETI witness recommended a ROE, please provide the order showing the ROE ultimately adopted by the Commission, as well as the testimonies for each witness.
- TIEC 5-2** To the extent not previously provided, for Mr. Starkweather, Ms. Bulkley, Mr. Joyce, Mr. Wilson, Mr. McHone, Mr. Watson, Ms. Glander, Ms. Griffiths, and Mr. Totten, please provide:
- a. A list of all cases in which the testifying expert has submitted testimony in the last five years.
  - b. Copies of all prior testimony, articles, speeches, published materials, and peer review materials from the last five years on the subject matters on which the expert submitted testimony in this case.
  - c. For each expert, please identify the proceedings in which the expert can recall being cross-examined (and provide the transcript of said cross examination if the expert has it in his possession, custody, or control) within the past five years on the subject matters on which the expert submitted testimony in this case.
  - d. For each expert, please identify the proceedings in which the expert can recall being deposed (and provide the transcript of said deposition if the expert has it in his possession, custody, or control) within the past five years on the subject matters on which the expert submitted testimony in this case.
  - e. Please provide the testifying expert's billing rate for this proceeding; and
  - f. Please provide all documents provided to, reviewed by, or prepared by or for the testifying expert in anticipation of the expert's rebuttal testimony in this proceeding that are not communications between counsel and expert witnesses except as provided for in Texas Rule of Civil Procedure 195.5(c).

- TIEC 5-3** Please describe ETI's environmental sustainability goals, including any carbon emissions goals. Please also state whether ETI has plans to meet those goals and, if so, how ETI plans to meet them.
- TIEC 5-4** Please provide any documents, including presentations and press releases, that ETI has provided to investors or credit ratings agencies in the last four years regarding ETI's environmental sustainability goals—including carbon reduction goals—or plans to meet those goals.
- TIEC 5-5** Please explain how executive compensation is tied to ETI's or Entergy Corp.'s environmental goals (including carbon-related goals)
- TIEC 5-6** Please provide any documents provided to ETI executives in the last four years detailing how their compensation might be impacted by ETI's or Entergy Corp.'s meeting, or failing to meet, environmental goals (including carbon-related goals).

*The following RFIs refer to the direct testimony of Richard D. Starkweather:*

- TIEC 5-7** Please provide the native file for exhibits RDS-2, RDS-4, and RDS-5.
- TIEC 5-8** Please explain why Mr. Starkweather began his benchmarking in 2017.
- TIEC 5-9** What portion of the level of utility rates in the benchmark group during the period 2017 – 2021 was from decisions made by utility management during that time period?
- TIEC 5-10** Please admit or deny that decisions made by utilities, such as what generation should be built, taken up to 30-40 years prior to 2017 have a substantial impact on utility rates during 2017-2021.
- TIEC 5-11** Please state whether Mr. Starkweather believes that the level of natural gas prices had a substantial impact on the level of utility rates during the period 2017 – 2021 and whether Mr. Starkweather believes that ETI management had any measurable impact on the level of natural gas prices during the period 2017 – 2021. If answered in the affirmative, please provide an estimate of that impact and how Mr. Starkweather estimated the impact.
- TIEC 5-12** Please explain why Mr. Starkweather chose all utilities in SERC to be part of a peer group. In your explanation, please explain what similar characteristics all utilities in SERC share with ETI.
- TIEC 5-13** Please explain how utilities with between 10,000 and 50,000 customers are similar to ETI.
- TIEC 5-14** Please state whether Mr. Strakweather made any attempt to account for the proportion of industrial customers in a utility's customer mix in evaluating the total rate benchmarking?



**TIEC 5-15** Given that Southwestern Public Service Company and Southwestern Electric Power Company were included in the smaller benchmarking group, please explain why Mr. Starkweather did not include Public Service Company of Oklahoma and Oklahoma Gas & Electric in his peer group. Does Mr. Starkweather believe that Public Service Company of Oklahoma is not a peer to ETI? Does Mr. Starkweather believe that Oklahoma Gas & Electric is not a peer to ETI?

*The following RFIs refer to the direct testimony of Bobby R. Sperandeo:*

**TIEC 5-16** Regarding Mr. Sperandeo's benchmarking analysis, please describe what specific functions are carried out by ETI employees as opposed to Entergy Services employees, other holding company employees, or holding company contracted employees (e.g., procurement, call center, transmission maintenance, production maintenance). In your explanation, please describe how ETI takes advantage (or not) of economies of scale as a result of ETI being a subsidiary of Entergy Corp.

**TIEC 5-17** Please explain why Mr. Sperandeo's distribution cost benchmarking calculations divide distribution cost by total company sales rather than distribution level sales.

**TIEC 5-18** Please provide distribution levels sales for the period 2018 - 2021 for the utilities in the benchmarking study.

**TIEC 5-19** Referring to page five, please explain why Mr. Sperandeo believes that utilities with a customer count of 20,000 are similar to ETI.

**TIEC 5-20** At what number of customers does Mr. Sperandeo believe economies of scale are not a major factor in O&M cost?

**TIEC 5-21** What facets of O&M costs does Mr. Sperandeo believe are not subject to economies of scale (e.g., customers service, distribution O&M, transmission O&M, A&G costs).