



## Filing Receipt

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**Eversheds Sutherland (US) LLP**  
600 Congress Ave, Suite 2000  
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IRS Employer ID No: 58-0619407

**Electronic Remittance Instructions:**

Bank Name: Wells Fargo Bank, N.A.  
Acct Name: Eversheds Sutherland (US) LLP  
Acct Number: 5233576718  
Wire Routing/ABA: 121000248  
ACH Routing: 061000227  
SWIFT Code: WFBIUS6S

**Check Remittance Instructions:**

Eversheds Sutherland (US) LLP  
PO Box 931885  
Atlanta, GA 31193-1885

**Entergy Texas, Inc.**  
919 Congress, Suite 740  
Austin, TX 78701

Bill No. 1071529  
Bill Date July 25, 2019

Matter No: 34889.0021  
Client ID: 2019-001330  
RE: 2019 Fuel Reconciliation

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**FOR LEGAL SERVICES RENDERED THROUGH June 30, 2019**

<b>Fees</b>	<b>\$17,993.00</b>
<b>Total Current Bill</b>	<b>\$17,993.00</b>

Matter No. 34889-0021

Bill No: 1071529

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**FOR LEGAL SERVICES RENDERED THROUGH June 30, 2019**

Date	Timekeeper	Hours	Task	Narrative
06/03/19	Michael Boldt	0.90	C300	Review Sharepoint documents.
06/03/19	Michael Boldt	0.30	EXP	Review fuel rec correspondence.
06/05/19	Caren Pinzur	0.30	C300	Conference call with fuel reconciliation team to discuss next steps of application preparation.
06/05/19	Michael Boldt	0.60	C300	Participate in fuel rec teleconference with client.
06/05/19	Michael Boldt	0.50	C300	Discuss fuel rec case with D. Jaycox.
06/06/19	Michael Boldt	2.40	C300	Review draft Staci Meyer testimony and prepare for strategy discussion regarding open issues.
06/10/19	Caren Pinzur	0.50	C300	Conference call with M. Boldt and A. Meyer to discuss current draft of testimony and outstanding issues.
06/10/19	Caren Pinzur	3.10	C300	Review, analyze, and provide comments on all current testimony drafts.
06/10/19	Michael Boldt	2.80	C300	Research and review relevant background material regarding potential obligations related to the [REDACTED]
06/10/19	Michael Boldt	0.20	C300	Discussion with client regarding background material regarding potential obligations related to the [REDACTED]
06/10/19	Michael Boldt	0.80	C300	Discussions regarding Meyer testimony with C. Pinzur and A. Meyer.
06/11/19	Caren Pinzur	1.50	C300	Review, analyze, and comment on current testimony drafts.
06/12/19	Sarah Merrick	0.40	C100	Download latest versions of direct testimony.
06/12/19	Caren Pinzur	0.20	C300	Communications with fuel reconciliation team to discuss testimony drafts.
06/12/19	Michael Boldt	2.10	C300	Review draft testimony of Jaycox.
06/12/19	Michael Boldt	0.80	C300	Prepare for and participate in weekly teleconference.
06/17/19	Caren Pinzur	0.20	C300	Communications with fuel reconciliation team to discuss testimony draft updates.
06/18/19	Caren Pinzur	0.80	C300	Review, analyze, and provide comments on Meyer testimony draft.
06/18/19	Caren Pinzur	0.40	C300	Conference call with A. Meyer to discuss testimony

Matter No. 34889-0021

Bill No: 1071529

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Date	Timekeeper	Hours	Task	Narrative
				draft.
06/18/19	Caren Pinzur	0.30	C300	Email communications with fuel reconciliation team to discuss testimony draft updates.
06/18/19	Michael Boldt	1.20	C300	Review and revise Jaycox draft testimony.
06/18/19	Michael Boldt	1.20	C300	Work through testimony edits with Jaycox and team.
06/19/19	Michael Boldt	0.80	C300	Participate in fuel rec teleconference with client.
06/20/19	Michael Boldt	2.80	C300	Work through testimony revisions with Jaycox team; review Westerburg edits to transmission section.
06/20/19	Michael Boldt	1.80	C300	Review draft fuel rec schedules circulated by Ms. Lundeen and others uploaded to SharePoint.
06/21/19	Michael Boldt	2.30	C300	Work through testimony revisions with Jaycox team.
06/24/19	Caren Pinzur	0.50	C300	Review, analyze, and revise Meyer testimony and comments.
06/26/19	Caren Pinzur	0.60	C300	Fuel reconciliation team conference call and related internal communications.
06/26/19	Lino Mendiola	0.60	C300	Review drafts of testimony and provide advice on same.
06/26/19	Michael Boldt	1.00	C300	Continue review and revision of Jaycox draft testimony.
06/26/19	Michael Boldt	0.90	C300	Participate in fuel rec teleconference.
06/26/19	Michael Boldt	1.30	C300	Continue working through testimony edits with Jaycox and team.
06/28/19	Michael Boldt	0.90	C300	Review draft testimony of Celino.
06/28/19	Michael Boldt	2.40	C300	Review draft schedules.
06/28/19	Michael Boldt	1.20	C300	Review draft testimony of Goin.

**Fees**

**\$17,993.00**

Matter No. 34889-0021

Bill No: 1071529

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**SUMMARY OF LEGAL SERVICES**

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Michael Boldt	29.20	490.00	14,308.00
Lino Mendiola	0.60	635.00	381.00
Caren Pinzur	8.40	385.00	3,234.00
Sarah Merrick	0.40	175.00	70.00
	<hr/> 38.60		<hr/> 17,993.00
<b>TOTAL CURRENT BILLING</b>			<b>\$17,993.00</b>

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PO Box 931885  
Atlanta, GA 31193-1885

**Entergy Texas, Inc.**  
919 Congress, Suite 740  
Austin, TX 78701

Bill No. 1077632  
Bill Date September 16, 2019

Matter No: 34889.0021  
Client ID: 2019-001330  
RE: 2019 Fuel Reconciliation

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**FOR LEGAL SERVICES RENDERED THROUGH August 31, 2019**

<b>Fees</b>	<b>\$14,577.00</b>
<b>Total Current Bill</b>	<b>\$14,577.00</b>

**FOR LEGAL SERVICES RENDERED THROUGH August 31, 2019**

Date	Timekeeper	Hours	Task	Narrative
08/05/19	John Zerwas	2.20	C300	Review and revise draft direct testimony of S. Meyer; review exhibits and schedules related to same.
08/06/19	John Zerwas	2.20	C300	Prepare for and participate in page-turn WebEx meeting for D. Jaycox's direct testimony.
08/06/19	John Zerwas	0.30	C300	Revise S. Meyer's draft direct testimony to address Hurricane Harvey.
08/07/19	John Zerwas	1.20	C300	Prepare for and participate in weekly fuel reconciliation WebEx meeting.
08/07/19	John Zerwas	0.50	C300	Review [REDACTED] provided by J. Alvis and H. Wise; confer with J. Breedveld on same.
08/07/19	John Zerwas	0.70	C300	Review draft direct testimony of D. Jaycox; research on [REDACTED] (related to same testimony).
08/07/19	John Zerwas	0.50	C300	Review draft schedules sponsored by S. Meyer and D. Jaycox.
08/07/19	Michael Boldt	1.20	C300	Prepare for and participate in weekly fuel reconciliation discussion.
08/07/19	John Zerwas	1.20	C300	Review schedules sponsored by S. Meyer.
08/07/19	John Zerwas	1.20	C300	Research how [REDACTED] are treated in fuel rec cases.
08/07/19	John Zerwas	0.50	C300	Correspondence with S. Meyer re: draft testimony and exhibits.
08/07/19	John Zerwas	0.70	C300	Review and revise draft direct exhibits of S. Meyer.
08/07/19	John Zerwas	1.70	C300	Review and revise draft direct testimony of S. Meyer.
08/08/19	John Zerwas	0.40	C300	Review and provide suggested revisions/comments to draft application pleading.
08/08/19	John Zerwas	0.70	C300	Review comments to and revise draft direct testimony of S. Meyer; correspond with J. Breedveld and S. Meyer regarding same; review schedules sponsored by S. Meyer.
08/08/19	John Zerwas	1.80	C300	Review draft exhibits to D. Jaycox's testimony and review schedules sponsored by D. Jaycox.
08/08/19	John Zerwas	2.50	C300	Review draft direct testimony of D. Jaycox; provide

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Bill No: 1077632

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Date	Timekeeper	Hours	Task	Narrative
				edits and comments to same.
08/09/19	John Zerwas	0.50	C300	Review latest draft of C. Burke's draft direct testimony; attention to correspondence regarding same.
08/09/19	John Zerwas	0.40	C300	Review latest draft of S. Meyer's direct testimony and comments and revisions to same.
08/09/19	John Zerwas	0.50	C300	Review latest draft of D. Jaycox's direct testimony and recent comments and edits to same, and revise same testimony.
08/12/19	John Zerwas	1.10	C300	Review coal and natural gas heat rate data for C. Burke's direct testimony, attention to correspondence on same, and review latest draft of C. Burke's direct testimony, including recent comments and edits thereto.
08/12/19	John Zerwas	0.50	C300	Review latest comments and revisions to D. Jaycox's draft direct testimony, updated drafts of exhibits to same, and schedules sponsored by D. Jaycox; research [REDACTED] potential issue to be addressed in D. Jaycox's testimony).
08/13/19	John Zerwas	0.30	C300	Review and analyze updated coal and gas heat rate data from C. Pulcher and J. Lundeen (related to C. Burke's direct testimony).
08/14/19	John Zerwas	1.40	C300	Prepare for and participate in weekly WebEx fuel reconciliation meeting.
08/14/19	John Zerwas	0.60	C300	Review draft schedules sponsored by D. Jaycox, S. Meyer, and C. Burke.
08/21/19	John Zerwas	0.80	C300	Prepare for and participate in weekly WebEx meeting.
08/21/19	John Zerwas	0.70	C300	Review recent edits and comments to D. Jaycox's and S. Meyer's draft direct testimony, and recent schedules sponsored by same witnesses.
08/26/19	John Zerwas	0.50	C300	Attention to correspondence from C. Burke and J. Lundeen regarding direct testimony and exhibits.
08/26/19	John Zerwas	2.00	C300	Review and revise draft direct testimony of C. Burke.
08/27/19	John Zerwas	0.50	C300	Review recent revisions to D. Jaycox's draft testimony and attention to correspondence regarding same.
08/27/19	John Zerwas	0.80	C300	Review schedules sponsored by D. Jaycox, S. Meyer, and C. Burke.



Matter No. 34889-0021

Bill No: 1077632

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Date	Timekeeper	Hours	Task	Narrative	Fees
08/27/19	John Zerwas	0.50	C300	Attention to latest revisions to C. Burke's draft direct testimony; review updated exhibits to same.	
08/28/19	John Zerwas	0.60	C300	Prepare for and participate in weekly WebEx meeting.	
08/28/19	John Zerwas	1.00	C300	Review draft schedules sponsored by D. Jaycox, S. Meyer, and C. Burke.	
08/28/19	John Zerwas	0.40	C300	Review updated exhibits for C. Burke's direct testimony.	
08/28/19	Lino Mendiola	0.40	C300	Review status of [REDACTED] issue in Mr. Burke's testimony and provide legal guidance on same.	
08/30/19	John Zerwas	0.60	C300	Research [REDACTED] (related to C. Burke's direct testimony).	
08/30/19	John Zerwas	1.00	C300	Plan for and participate in WebEx meeting re: C. Burke's draft direct testimony.	
08/30/19	John Zerwas	0.50	C300	Review recent edits and comments to C. Burke's draft direct testimony.	
					<b>Fees</b>
					<b>\$14,577.00</b>

**SUMMARY OF LEGAL SERVICES**

TIMEKEEPER	HOURS	RATE	AMOUNT
Michael Boldt	1.20	490.00	588.00
Lino Mendiola	0.40	635.00	254.00
John Zerwas	33.50	410.00	13,735.00
	<u>35.10</u>		<u>14,577.00</u>

**TOTAL CURRENT BILLING**

**\$14,577.00**

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SWIFT Code: WFBIUS6S  
**Check Remittance Instructions:**  
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PO Box 931885  
Atlanta, GA 31193-1885

**Entergy Texas, Inc.**  
919 Congress, Suite 740  
Austin, TX 78701

Bill No. 1082612  
Bill Date October 21, 2019

Matter No: 34889.0021  
Client ID: 2019-001330  
RE: 2019 Fuel Reconciliation

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**FOR LEGAL SERVICES RENDERED THROUGH September 30, 2019**

<b>Fees</b>	<b>\$23,761.50</b>
<b>Total Current Bill</b>	<b>\$23,761.50</b>

Matter No. 34889-0021

Bill No: 1082612

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**FOR LEGAL SERVICES RENDERED THROUGH September 30, 2019**

Date	Timekeeper	Hours	Task	Narrative
09/02/19	Michael Boldt	1.20	C300	Review [REDACTED] and related correspondence as they pertain to Burke's testimony.
09/03/19	John Zerwas	1.10	C300	Review and revise latest draft of C. Burke's direct testimony, review and analyze updated [REDACTED] related to same, and attention to correspondence regarding same.
09/03/19	Michael Boldt	1.70	C300	Review most recent draft of Jaycox's testimony and M. Brown's edits to same.
09/03/19	Michael Boldt	1.40	C300	Review additional [REDACTED] and related correspondence as they pertain to Burke's testimony; discuss same with J. Zerwas.
09/03/19	Michael Boldt	0.70	C300	Review most recent draft of Burke testimony and Burke's Knighten's revisions to same.
09/03/19	Michael Boldt	0.50	C300	Review most recent draft of Meyer's testimony and M. Brown's edits to same.
09/03/19	Lino Mendiola	0.50	C300	Review and consider comments on draft testimony received by client.
09/04/19	John Zerwas	1.10	C300	Prepare for and participate in weekly WebEx meeting.
09/04/19	John Zerwas	0.50	C300	Review recent revisions to S. Meyer's and D. Jaycox's draft direct testimony; attention to correspondence on same.
09/04/19	John Zerwas	0.40	C200	Research how non-ERCOT utilities address [REDACTED] in fuel reconciliation proceedings (related to C. Burke's direct testimony).
09/04/19	Michael Boldt	1.30	C300	Review presentation of [REDACTED] by other utilities in recent fuel reconciliation cases; discuss same with J. Zerwas and review correspondence related to same.
09/04/19	Michael Boldt	1.30	C300	Prepare for and participate in weekly fuel reconciliation teleconference.
09/05/19	John Zerwas	1.40	C200	Research how other utilities measure [REDACTED] in recent fuel reconciliation cases; correspondence with G. Hoyt, J. Knighten, C. Burke, J. Breedveld, and M. Boldt regarding same.
09/05/19	John Zerwas	1.90	C300	Review and revise latest draft of C. Burke's direct testimony, review [REDACTED] from Lewis Creek

Matter No. 34889-0021

Bill No: 1082612

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Date	Timekeeper	Hours	Task	Narrative
				and Nelson 6 related to same, and attention to correspondence regarding same.
09/06/19	Michael Boldt	2.30	C300	Begin review of plant outage reports and related schedule in fuel reconciliation filing package.
09/06/19	John Zerwas	1.60	C300	Review outage reports related to C. Burke draft testimony.
09/06/19	John Zerwas	2.90	C300	Revise draft of C. Burke's direct testimony; revise latest testimony exhibits and correspond with J. Lundreen regarding same; research related to same.
09/09/19	John Zerwas	0.30	C300	Draft email to G. Hoyt and J. Knighten addressing status of C. Burke's draft direct testimony and exhibits.
09/09/19	John Zerwas	2.50	C300	Review [REDACTED] for Sabine, Lewis Creek, and Nelson 6 plants (related to C. Burke's direct testimony).
09/09/19	John Zerwas	0.80	C300	Review updated exhibits CKB-3, 4, and 5 to C. Burke's direct testimony; attention to correspondence regarding same.
09/09/19	John Zerwas	2.10	C300	Review and revise draft direct testimony of C. Burke.
09/09/19	John Zerwas	0.60	C300	Correspondence with C. Burke, J. Lundeen, and C. Pulcher regarding latest draft of C. Burke's draft direct testimony, including discussion on planned outage extensions and updated plant availability metrics.
09/09/19	John Zerwas	0.30	C300	Review recent ETI edits and comments to C. Burke's draft direct testimony.
09/09/19	Michael Boldt	0.60	C300	Review revised EAF, SOF, FOR analyses for inclusion in Burke's exhibits; correspondence related to same.
09/09/19	Michael Boldt	0.50	C300	Review correspondence, underlying analyses, and other information related to finalizing Burke draft testimony and exhibits.
09/10/19	John Zerwas	2.30	C300	Work on draft direct testimony of C. Burke; correspond with C. Pulcher, J. Lundeen, and C. Burke regarding outstanding comments and unresolved issues in same.
09/10/19	John Zerwas	2.70	C300	Attention to [REDACTED] from Sabine, Lewis Creek, and Nelson 6 plants and analyze impact of same on C. Burke's direct testimony; research on how other utilities addressed similar [REDACTED]

Matter No. 34889-0021

Bill No: 1082612

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Date	Timekeeper	Hours	Task	Narrative
				issues in previous fuel reconciliation cases.
09/10/19	Michael Boldt	3.70	C300	Review and analyze [REDACTED] and compare to related schedule in fuel reconciliation filing package.
09/10/19	Michael Boldt	1.40	C300	Review and analyze discovery responses in prior fuel reconciliation regarding [REDACTED]
09/11/19	John Zerwas	2.10	C300	Prepare for and participate in conference call with C. Burke, J. Lundeen, C. Pulcher, G. Hoyt, J. Knighten, J. Breedveld, and M. Boldt regarding C. Burke's draft direct testimony and [REDACTED]
09/11/19	John Zerwas	0.50	C300	Review various draft testimonies and schedules to ensure compliance with individual requirements of 16 TAC 25.236' confer with M. Boldt on related issues.
09/11/19	John Zerwas	1.90	C300	Review, revise, and address remaining comments and edits in C. Burke's direct testimony; correspondence with C. Pulcher and J. Lundeen regarding remaining issues.
09/11/19	Michael Boldt	1.80	C300	Review and revise Burke testimony with regard to plant availability in light of [REDACTED]
09/11/19	Michael Boldt	2.90	C300	Review Commission and Texas court precedent [REDACTED] and proposed disallowances related thereto.
09/11/19	Michael Boldt	2.20	C300	Prepare for and participate in teleconference regarding [REDACTED], near final draft of Burke testimony.
09/11/19	Michael Boldt	0.80	C300	Review [REDACTED] and discuss [REDACTED] related information with J. Knighten.
09/16/19	John Zerwas	0.60	C300	Review final direct testimonies of Celino, Dornier, and Goin; review final application pleading.
09/22/19	John Zerwas	0.30	C300	Review recent filings in Docket No. 49916.
09/24/19	Michael Boldt	0.20	C300	Discuss additional outage reports with G. Hoyt.

**Fees** \$23,761.50

Matter No. 34889-0021

Bill No: 1082612

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**SUMMARY OF LEGAL SERVICES**

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Michael Boldt	24.50	490.00	12,005.00
Lino Mendiola	0.50	635.00	317.50
John Zerwas	27.90	410.00	11,439.00
	<hr/> 52.90		<hr/> 23,761.50
<b>TOTAL CURRENT BILLING</b>			<b>\$23,761.50</b>

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PO Box 931885  
Atlanta, GA 31193-1885

**Entergy Texas, Inc.**  
919 Congress, Suite 740  
Austin, TX 78701

Bill No. 1104568  
Bill Date April 15, 2020

Matter No: 34889.0021  
Client ID: 2019-001330  
RE: 2019 Fuel Reconciliation

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**FOR LEGAL SERVICES RENDERED THROUGH March 31, 2020**

<b>Fees</b>	<b>\$7,087.00</b>
<b>Total Current Bill</b>	<b>\$7,087.00</b>

Matter No. 34889-0021

Bill No: 1104568

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**FOR LEGAL SERVICES RENDERED THROUGH March 31, 2020**

Date	Timekeeper	Hours	Task	Narrative
03/03/20	Michael Boldt	3.70	C300	Review draft responses and attachments to OPUC's 5th set of RFIs and participate in conference call with client regarding same.
03/11/20	John Zerwas	0.80	C300	Review direct testimony filed by OPUC.
03/11/20	Lino Mendiola	1.00	C300	Receive and review OPUC testimony and consider response to same.
03/11/20	Michael Boldt	1.80	C300	Review draft responses to OPUC's 6th set of RFIs.
03/11/20	Michael Boldt	0.70	C300	Review OPUC testimony of S. Norwood.
03/12/20	Michael Boldt	1.20	C300	Review draft responses to OPUC's 6th set of RFIs and participate in conference call with client regarding same.
03/18/20	John Zerwas	0.10	C300	Review PUCT Staff's statement of position.
03/19/20	John Zerwas	0.90	C300	Prepare for and participate in conference call addressing rebuttal testimony.
03/19/20	Michael Boldt	1.20	C300	Prepare for and participate in Rebuttal strategy discussion with client team.
03/20/20	John Zerwas	0.80	C300	Research how other non-ERCOT utilities addressed [REDACTED] by parties in a PUCT fuel reconciliation proceeding as it relates to [REDACTED] in C. Burke's testimony.
03/23/20	John Zerwas	0.90	C300	Research RFIs propounded on OPUC witnesses in previous PUCT proceedings in preparation of drafting RFIs to OPUC.
03/23/20	John Zerwas	1.40	C300	Draft potential RFIs to OPUC.
03/31/20	John Zerwas	0.20	C300	Prepare for and participate in weekly conference call addressing rebuttal testimony.
03/31/20	Michael Boldt	0.30	C300	Prepare for and participate in client discussion regarding Rebuttal.

**Fees** \$7,087.00



Matter No. 34889-0021

Bill No: 1104568

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**SUMMARY OF LEGAL SERVICES**

<b>TIMEKEEPER</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>
Michael Boldt	8.90	490.00	4,361.00
Lino Mendiola	1.00	635.00	635.00
John Zerwas	5.10	410.00	2,091.00
	<hr/> 15.00		<hr/> 7,087.00

**TOTAL CURRENT BILLING**

**\$7,087.00**

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SUTHERLAND

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Atlanta, GA 31193-1885

**Entergy Texas, Inc.**  
919 Congress, Suite 740  
Austin, TX 78701

Bill No. 1109121  
Bill Date May 19, 2020

Matter No: 34889.0021  
Client ID: 2019-001330  
RE: 2019 Fuel Reconciliation

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**FOR LEGAL SERVICES RENDERED THROUGH April 30, 2020**

<b>Fees</b>	<b>\$25,642.00</b>
<b>Total Current Bill</b>	<b>\$25,642.00</b>

**FOR LEGAL SERVICES RENDERED THROUGH April 30, 2020**

<b>Date</b>	<b>Timekeeper</b>	<b>Hours</b>	<b>Task</b>	<b>Narrative</b>
04/02/20	John Zerwas	0.50	C300	Review OPUC's responses ETI's 1st RFI and documents provided therewith.
04/02/20	Michael Boldt	0.80	C300	Review OPUC's responses to ETI's first set of RFIs.
04/02/20	Lino Mendiola	0.40	C300	Receive and review OPUC's responses to RFIs.
04/06/20	Michael Boldt	3.20	C300	Conduct detailed review of S. Norwood's testimony and RFI responses in order to review and provide comments on Entergy witness testimony drafts.
04/07/20	John Zerwas	0.80	C300	Preparation for and participation in weekly conference call addressing rebuttal testimony and action items.
04/07/20	John Zerwas	0.30	C300	Review latest draft of C. Burke's direct testimony.
04/07/20	John Zerwas	0.30	C300	Review latest draft of D. Jaycox's direct testimony.
04/07/20	Lino Mendiola	0.50	C300	Confer with M. Boldt regarding status of case, rebuttal testimony, and outstanding issues.
04/07/20	Michael Boldt	2.10	C300	Review draft testimonies of S. Meyer, S. Celino, D. Jaycox, and C. Burke.
04/07/20	Michael Boldt	0.80	C300	Participate in large group teleconference regarding Rebuttal testimony, hearing issues.
04/07/20	Michael Boldt	0.60	C300	Attention to SOAH Order No. 4 and communicate with client regarding same.
04/07/20	Michael Boldt	0.50	C300	Review and analyze OPUC's responses to ETI's second set of RFIs and Norwood's errata.
04/08/20	John Zerwas	0.50	C300	Review draft rebuttal testimony of D. Jaycox.
04/08/20	John Zerwas	1.80	C300	Review and revise draft rebuttal testimony of S. Meyer.
04/08/20	John Zerwas	0.30	C300	Review draft rebuttal testimony of Celino.
04/08/20	Michael Boldt	1.90	C300	Revise rebuttal testimony of S. Meyer.
04/08/20	Michael Boldt	2.40	C300	Review ETI's prior discovery responses and research required [REDACTED] to support generation planning for purposes of revising S. Meyer's rebuttal testimony.
04/09/20	John Zerwas	2.30	C300	Review and revise draft rebuttal testimony of C. Burke.

Matter No. 34889-0021

Bill No: 1109121

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Date	Timekeeper	Hours	Task	Narrative
04/09/20	John Zerwas	0.30	C300	Review updated draft of S. Meyer's rebuttal testimony.
04/09/20	John Zerwas	1.60	C300	Review and revise draft rebuttal testimony of D. Jaycox.
04/09/20	Michael Boldt	2.40	C300	Review and edit Rebuttal Testimony of D. Jaycox, including review and analysis of prior [REDACTED] regulatory decisions, and memoranda.
04/09/20	Michael Boldt	2.10	C300	Continue reviewing and editing Rebuttal testimony of S. Meyer.
04/09/20	Michael Boldt	2.60	C300	Review and edit Rebuttal Testimony of Chris Burke.
04/09/20	Michael Boldt	1.50	C300	Review and edit Rebuttal Testimony of Scott Celino.
04/10/20	Michael Boldt	1.20	C300	Discuss Rebuttal Testimony with S. Meyer and revise testimony per discussion.
04/10/20	Michael Boldt	0.40	C300	Confer with client regarding case strategy and review emails regarding same.
04/12/20	Michael Boldt	0.50	C300	Review new edits to testimonies of C. Burke and S. Meyer and edit same.
04/14/20	John Zerwas	1.00	C300	Review near-final drafts of rebuttal testimony.
04/21/20	Michael Boldt	0.40	C300	Confer with client regarding settlement strategy.
04/27/20	Lino Mendiola	1.00	C300	Review status of fuel reconciliation proceeding and monitor discovery received by OPUC.
04/28/20	John Zerwas	1.10	C300	Preparation for and participation in weekly conference call addressing status of proceeding.
04/28/20	Michael Boldt	0.70	C300	Discuss OPUC's 7th set of RFIs with C. Burke team.
04/28/20	Michael Boldt	0.90	C300	Participate in weekly large group strategy session.
04/28/20	Lino Mendiola	0.60	C300	Prepare for and participate in weekly client conference call.
04/29/20	John Zerwas	0.50	C300	Prepare hearing preparation materials for conference call with D. Jaycox,, J. Alvis, H. Wise, and J. Breedveld.
04/29/20	Michael Boldt	1.70	C300	Review S. Meyer Direct testimony and related testimony of D. Jaycox in preparation for witness prep sessions.
04/29/20	Lino Mendiola	0.50	C300	Receive report on [REDACTED] in fuel

Matter No. 34889-0021

Bill No: 1109121

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Date	Timekeeper	Hours	Task	Narrative
				reconciliation matter and consider strategy regarding same.
04/30/20	John Zerwas	1.30	C300	Review and revise talking points for witness hearing preparation call with D. Jaycox and SPO team.
04/30/20	John Zerwas	2.10	C300	Prepare for witness hearing preparation call with D. Jaycox and SPO team with regard to hearing procedures and pre-hearing preparation and materials to review.
04/30/20	John Zerwas	2.80	C300	Prepare for witness hearing preparation call with D. Jaycox and SPO team with regard to advice for cross-examination, issues that will be likely addressed on cross-examination, and overall themes.
04/30/20	Michael Boldt	3.10	C300	Review and edit draft responses to OPUC's 7th set of RFIs.
04/30/20	Michael Boldt	1.80	C300	Participate in RFI response review call.
04/30/20	Michael Boldt	1.40	C300	Prepare for witness prep discussion with S. Meyer in preparation for the hearing including tips for a first time witness.
04/30/20	Michael Boldt	0.80	C300	Discuss hearing issues with S. Meyer.

**Fees** \$25,642.00

**SUMMARY OF LEGAL SERVICES**

TIMEKEEPER	HOURS	RATE	AMOUNT
Michael Boldt	33.80	490.00	16,562.00
Lino Mendiola	3.00	635.00	1,905.00
John Zerwas	17.50	410.00	7,175.00
	<u>54.30</u>		<u>25,642.00</u>

**TOTAL CURRENT BILLING** \$25,642.00

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:	§	
	§	CASE NO. 21-30725
BRAZOS ELECTRIC POWER	§	
COOPERATIVE, INC.,	§	Chapter 11
	§	
Debtor. <sup>1</sup>	§	

---

**EIGHTEENTH MONTHLY FEE STATEMENT OF EVERSHEDS SUTHERLAND  
(US) LLP FOR ALLOWANCE OF COMPENSATION FOR SERVICES  
RENDERED AND REIMBURSEMENT OF EXPENSES INCURRED AS SPECIAL  
COUNSEL TO DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD  
FROM AUGUST 1, 2022 THROUGH AUGUST 31, 2022**

Name of applicant:	Eversheds Sutherland (US) LLP
Role in case:	Special Counsel to Brazos Electric Power Cooperative, Inc.
Date of retention:	April 27, 2021, <i>effective as of</i> March 1, 2021 [Dkt. No. 468]
Period covered:	August 1, 2022 through August 31, 2022
Fees incurred:	\$422,851.50
20% holdback:	\$84,570.30
Total fees incurred less 20% holdback:	\$338,281.20
Expenses incurred:	\$0.00
Total fees (80%) and expenses (100%) due:	\$338,281.20
Blended rate in this application for all attorneys: <sup>2</sup>	\$702.56
Blended rate in this application for all timekeepers:	\$701.24

<sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of its federal tax identification number is: Brazos Electric Power Cooperative, Inc. (4729). Additional information regarding this case may be obtained on the website of the Debtor's claims and noticing agent at <http://cases.stretto.com/Brazos>. The Debtor's address is 7616 Bagby Avenue, Waco, TX 76712.

<sup>2</sup> The rates charged by Eversheds Sutherland in this matter are consistent with the rates it charges other cooperative clients, which is a discounted rate structure from its standard rates for other clients.

**EXHIBIT A**

**COMPENSATION BY PROFESSIONAL  
AUGUST 1, 2022 THROUGH AUGUST 31, 2022**

<b>Name of Professional Individual</b>	<b>Position</b>	<b>Department</b>	<b>Year Admitted</b>	<b>Hourly Billing Rate</b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
Reginald Clark	Partner	Tax	1978	\$945.00	2.2	\$2,079.00
Daniel R. McKeithen	Partner	Tax	1986	925.00	32.0	29,600.00
Peter A. Fozzard	Partner	Finance	1986	855.00	146.1	124,915.50
Dorothy B. Franzoni	Partner	Energy	1990	855.00	87.1	74,470.50
Lino Mendiola, III	Partner	Energy	1994	790.00	38.8	30,652.00
Mark D. Sherrill	Partner	Bankruptcy	1999	675.00	14.3	9,652.50
David A. Baay	Partner	Litigation	2000	640.00	8.6	5,504.00
Darryl F. Smith	Partner	Energy	2008	610.00	0.8	488.00
Michael Boldt	Partner	Energy	2008	610.00	102.0	62,220.00
Jeffrey Stuart	Partner	Energy	2008	610.00	0.7	427.00
Kyle E. Wamstad	Partner	Energy	2010	600.00	10.5	6,300.00
Eric R. Fenichel	Senior Counsel	Finance	1986	885.00	4.3	3,805.50
Paulette Hurteau	Special Counsel	Finance	2006	620.00	10.4	6,448.00
Meredith G. Lawrence	Special Counsel	Finance	2012	435.00	20.6	8,961.00
Caren Pinzur	Special Counsel	Energy	2004	340.00	4.8	1,632.00
Martha Hopkins	Counsel	Energy	2007	560.00	0.4	224.00

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James L. Silliman	Counsel	Litigation	2013	545.00	9.7	5,286.50
Will S. Pickens	Counsel	Finance	2014	540.00	32.8	17,712.00
Michael D. Resnick	Associate	Tax	2018	625.00	15.4	9,625.00
Frank Coparetto	Associate	Tax	2014	595.00	1.5	892.50
Garrett A. Gibson	Associate	Litigation	2012	505.00	2.0	1,010.00
Kathryn Wymer	Associate	Energy	2019	385.00	20.0	7,700.00
Claudia A. Chafloque-Siu	Associate	Finance	2020	375.00	6.9	2,587.50
Alexandra N. Franklin	Associate	Energy	2021	350.00	29.5	10,325.00
Antoinette Wells	Research Analyst	n/a	n/a	265.00	0.4	106.00
Sarah Merrick	Senior Paralegal	Energy	n/a	190.00	1.2	228.00
<b>TOTAL</b>					<b>603.00</b>	<b>422,851.50</b>



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:	§	
	§	CASE NO. 21-30725 (DRJ)
BRAZOS ELECTRIC POWER	§	
COOPERATIVE, INC.,	§	Chapter 11
	§	
Debtor. <sup>1</sup>	§	

**COMPLEX CASE FEE APPLICATION COVERSHEET (HOURLY)**

<b>Name of Applicant:</b>	O'Melveny & Myers LLP ("OMM")	
<b>Applicant's Role in Case:</b>	Co-Counsel to Brazos Electric Power Cooperative, Inc. (the "Debtor")	
<b>Docket No. of Employment Order(s):</b>	Dkt. No. 1079	
<b>Interim Application (X) No. <u>5<sup>th</sup></u></b> <b>Final Application ( )</b>	5 <sup>th</sup> Interim Application	
	<b>Beginning Date</b>	<b>End Date</b>
<b>Time period covered by this Application for which interim compensation has not previously been awarded:</b>	6/1/22	8/31/2022
<b>Were the services provided necessary to the administration of or beneficial at the time rendered toward the completion of the case? Y</b>		
<b>Were the services performed in a reasonable amount of time commensurate with the complexity, importance and nature of the issues addressed? Y</b>		
<b>Is the requested compensation reasonable based on the customary compensation charged by comparably skilled practitioners in other non-bankruptcy cases? Y</b>		
<b>Do expense reimbursements represent actual and necessary expenses incurred? Y</b>		
<b>Compensation Breakdown for Time Period Covered by this Application</b>		
<b>Total professional fees requested in this Application:</b>	\$1,345,828.00	
<b>Total professional hours covered by this Application:</b>	1,406.3	
<b>Average hourly rate for professionals:</b>	\$957.00	

<sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of its federal tax identification number is: Brazos Electric Power Cooperative, Inc. (4729). Additional information regarding this case may be obtained on the website of the Debtor's claims and noticing agent at <http://cases.stretto.com/Brazos>. The Debtor's address is 7616 Bagby Avenue, Waco, TX 76712.

Case 21-30725 Document 2406 Filed in TXSB on 10/20/22 Page 4 of 113

**EXHIBIT 1**

**June 2022 Fee Statement**



Client: BRAZOS ELECTRIC POWER COOPERATIVE, INC.  
 Matter Name: CHAPTER 11  
 Matter: 0101570-00001

07/19/22  
 Invoice: 1120100  
 Page No. 32

### Task Summary

<u>Timekeeper</u>	<u>Title</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
LOU STRUBECK JR.	Partner	1,225.00	35.2	43,120.00
LAURA SMITH	Counsel	685.00	11.6	7,946.00
NICK HENDRIX	Counsel	810.00	1.7	1,377.00
<b>Total for B150 Meetings of and Communications with Creditors</b>			<b>48.5</b>	<b>52,443.00</b>
LOU STRUBECK JR.	Partner	1,225.00	0.9	1,102.50
LAURA SMITH	Counsel	685.00	14.6	10,001.00
EMMA PERSSON	Associate	540.00	16.8	9,072.00
<b>Total for B160 Fee/Employment Applications</b>			<b>32.3</b>	<b>20,175.50</b>
LAURA SMITH	Counsel	685.00	0.2	137.00
<b>Total for B170 Fee/Employment Objections</b>			<b>0.2</b>	<b>137.00</b>
LAURA SMITH	Counsel	685.00	4.3	2,945.50
<b>Total for B185 Assumption/Rejection of Leases and Contracts</b>			<b>4.3</b>	<b>2,945.50</b>
LOU STRUBECK JR.	Partner	1,225.00	2.1	2,572.50
LAURA SMITH	Counsel	685.00	0.1	68.50
NICK HENDRIX	Counsel	810.00	1.2	972.00
<b>Total for B190 Other Contested Matters (excluding assumption/rejection motions)</b>			<b>3.4</b>	<b>3,613.00</b>
LOU STRUBECK JR.	Partner	1,225.00	25.7	31,482.50
LAURA SMITH	Counsel	685.00	23.7	16,234.50
NICK HENDRIX	Counsel	810.00	13.2	10,692.00
<b>Total for B210 Business Operations</b>			<b>62.6</b>	<b>58,409.00</b>
LOU STRUBECK JR.	Partner	1,225.00	36.9	45,202.50
LAURA SMITH	Counsel	685.00	23.5	16,097.50
NICK HENDRIX	Counsel	810.00	0.5	405.00
<b>Total for B260 Board of Directors Matters</b>			<b>60.9</b>	<b>61,705.00</b>
LOU STRUBECK JR.	Partner	1,225.00	87.7	107,432.50
LAURA SMITH	Counsel	685.00	39.7	27,194.50
NICK HENDRIX	Counsel	810.00	36.3	29,403.00
<b>Total for B310 Claims Administration and Objections</b>			<b>163.7</b>	<b>164,030.00</b>
LOU STRUBECK JR.	Partner	1,225.00	12.5	15,312.50
LAURA SMITH	Counsel	685.00	14.2	9,727.00
NICK HENDRIX	Counsel	810.00	1.9	1,539.00
<b>Total for B320 Plan and Disclosure Statement (including Business Plan)</b>			<b>28.6</b>	<b>26,578.50</b>

Due upon receipt. Please remit to:

**By Mail:** O'Melveny & Myers LLP - P.O. Box 894436, Los Angeles, CA 90189-4436

**By Wire Transfer:** Citibank, N.A., NY, ABA # 021000089, SWIFT: CITIUS33

**Beneficiary:** O'Melveny & Myers LLP, Account No.: #4078-0224

**Please include 0101570-00001 / 1120100 number and/or L STRUBECK JR. in Advice**

Case 21-30725 Document 2406 Filed in TXSB on 10/20/22 Page 38 of 113

**EXHIBIT 2**

**July 2022 Fee Statement**



Client: BRAZOS ELECTRIC POWER COOPERATIVE, INC.  
 Matter Name: CHAPTER 11  
 Matter: 0101570-00001

08/23/22  
 Invoice: 1123139  
 Page No. 30

### Task Summary

<u>Timekeeper</u>	<u>Title</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
LOU STRUBECK JR.	Partner	1,225.00	11.6	14,210.00
LAURA SMITH	Counsel	685.00	7.1	4,663.50
NICK HENDRIX	Counsel	810.00	1.5	1,215.00
<b>Total for B150 Meetings of and Communications with Creditors</b>			<b>20.2</b>	<b>20,288.50</b>
LOU STRUBECK JR.	Partner	1,225.00	0.7	857.50
LAURA SMITH	Counsel	685.00	7.0	4,795.00
<b>Total for B160 Fee/Employment Applications</b>			<b>7.7</b>	<b>5,652.50</b>
LAURA SMITH	Counsel	685.00	0.5	342.50
<b>Total for B185 Assumption/Rejection of Leases and Contracts</b>			<b>0.5</b>	<b>342.50</b>
LOU STRUBECK JR.	Partner	1,225.00	0.5	612.50
NICK HENDRIX	Counsel	810.00	2.7	2,187.00
<b>Total for B190 Other Contested Matters (excluding assumption/rejection motions)</b>			<b>3.2</b>	<b>2,799.50</b>
LOU STRUBECK JR.	Partner	1,225.00	7.2	8,820.00
LAURA SMITH	Counsel	685.00	8.2	5,617.00
NICK HENDRIX	Counsel	810.00	5.4	4,374.00
<b>Total for B195 Non-Working Travel</b>			<b>20.8</b>	<b>18,811.00</b>
LOU STRUBECK JR.	Partner	1,225.00	16.8	20,580.00
LAURA SMITH	Counsel	685.00	17.7	12,124.50
NICK HENDRIX	Counsel	810.00	12.8	10,368.00
<b>Total for B210 Business Operations</b>			<b>47.3</b>	<b>43,072.50</b>
LOU STRUBECK JR.	Partner	1,225.00	52.8	64,680.00
LAURA SMITH	Counsel	685.00	41.8	28,633.00
NICK HENDRIX	Counsel	810.00	4.9	3,969.00
<b>Total for B260 Board of Directors Matters</b>			<b>99.5</b>	<b>97,282.00</b>
LOU STRUBECK JR.	Partner	1,225.00	32.4	39,690.00
LAURA SMITH	Counsel	685.00	5.5	3,767.50
NICK HENDRIX	Counsel	810.00	6.2	5,022.00
<b>Total for B310 Claims Administration and Objections</b>			<b>44.1</b>	<b>48,479.50</b>
LOU STRUBECK JR.	Partner	1,225.00	55.8	68,355.00
LAURA SMITH	Counsel	685.00	44.1	30,208.50
NICK HENDRIX	Counsel	810.00	36.5	29,565.00
<b>Total for B320 Plan and Disclosure Statement (including Business Plan)</b>			<b>136.4</b>	<b>128,128.50</b>

0

Due upon receipt. Please remit to:

**By Mail:** O'Melveny & Myers LLP - P.O. Box 894436, Los Angeles, CA 90189-4436

**By Wire Transfer:** Citibank, N.A., NY, ABA # 021000089, SWIFT: CITIUS33

**Beneficiary:** O'Melveny & Myers LLP, Account No.: #4078-0224

**Please include 0101570-00001 / 1123139 number and/or L STRUBECK JR. in Advice**

Case 21-30725 Document 2406 Filed in TXSB on 10/20/22 Page 70 of 113

**EXHIBIT 3**

**August 2022 Fee Statement**

Client: BRAZOS ELECTRIC POWER COOPERATIVE, INC.  
 Matter Name: CHAPTER 11  
 Matter: 0101570-00001

09/19/22  
 Invoice: 1125367  
 Page No. 42

**Task Summary**

<u>Timekeeper</u>	<u>Title</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
LOU STRUBECK JR.	Partner	1,225.00	17.1	20,947.50
LAURA SMITH	Counsel	685.00	5.4	3,699.00
NICK HENDRIX	Counsel	810.00	2.3	1,863.00
<b>Total for B150 Meetings of and Communications with Creditors</b>			<b>24.8</b>	<b>26,509.50</b>
LOU STRUBECK JR.	Partner	1,225.00	0.2	245.00
LAURA SMITH	Counsel	685.00	3.9	2,671.50
<b>Total for B160 Fee/Employment Applications</b>			<b>4.1</b>	<b>2,916.50</b>
NICK HENDRIX	Counsel	810.00	1.3	1,053.00
<b>Total for B190 Other Contested Matters (excluding assumption/rejection motions)</b>			<b>1.3</b>	<b>1,053.00</b>
LOU STRUBECK JR.	Partner	1,225.00	8.4	10,290.00
LAURA SMITH	Counsel	685.00	3.9	2,671.50
NICK HENDRIX	Counsel	810.00	9.4	7,614.00
<b>Total for B195 Non-Working Travel</b>			<b>21.7</b>	<b>20,575.50</b>
LOU STRUBECK JR.	Partner	1,225.00	34.5	42,262.50
LAURA SMITH	Counsel	685.00	22.5	15,412.50
NICK HENDRIX	Counsel	810.00	19.6	15,876.00
<b>Total for B210 Business Operations</b>			<b>76.6</b>	<b>73,551.00</b>
LOU STRUBECK JR.	Partner	1,225.00	1.7	2,082.50
<b>Total for B230 Financing/Cash Collections</b>			<b>1.7</b>	<b>2,082.50</b>
LOU STRUBECK JR.	Partner	1,225.00	46.2	56,595.00
LAURA SMITH	Counsel	685.00	34.8	23,838.00
NICK HENDRIX	Counsel	810.00	27.9	22,599.00
<b>Total for B260 Board of Directors Matters</b>			<b>108.9</b>	<b>103,032.00</b>
LOU STRUBECK JR.	Partner	1,225.00	31.9	39,077.50
LAURA SMITH	Counsel	685.00	4.9	3,356.50
NICK HENDRIX	Counsel	810.00	5.6	4,536.00
<b>Total for B310 Claims Administration and Objections</b>			<b>42.4</b>	<b>46,970.00</b>
LOU STRUBECK JR.	Partner	1,225.00	123.5	151,287.50
LAURA SMITH	Counsel	685.00	102.5	70,212.50
NICK HENDRIX	Counsel	810.00	114.3	92,583.00
EMMA PERSSON	Associate	540.00	0.3	162.00
<b>Total for B320 Plan and Disclosure Statement (including Business Plan)</b>			<b>340.6</b>	<b>314,245.00</b>

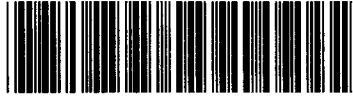
Due upon receipt. Please remit to:

**By Mail:** O'Melveny & Myers LLP - P.O. Box 894436, Los Angeles, CA 90189-4436

**By Wire Transfer:** Citibank, N.A., NY, ABA # 021000089, SWIFT: CITIUS33

**Beneficiary:** O'Melveny & Myers LLP, Account No.: #4078-0224

**Please include 0101570-00001 / 1125367 number and/or L STRUBECK JR. in Advice**



Control Number: 41622



Item Number: 33

Addendum StartPage: 0



## OPEN MEETING COVER SHEET

2013 OCT 18 PM 2:18  
JILLIS JEWK

**MEETING DATE:** October 25, 2013

**DATE DELIVERED:** October 18, 2013

**AGENDA ITEM NO.:** 24

**CAPTION:** Docket No. 41622 - Rulemaking to Propose New Substantive Rule 25.245, Relating to Recovery of Expenses for Ratemaking Proceedings.

**ACTION REQUESTED:** Discussion and possible action with respect to Staff memorandum.

Distribution List:  
Commissioners' Office (9)  
Lloyd, Brian  
Phillips, Michael  
Central Records  
Rogas, Keith (2)  
Urban, John Paul  
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Renfro, Mike  
Tietjen, Darryl (2)  
Long, Mick (2)  
Whittington, Pam (3)  
Hunter, Tom  
Feldman, Kasey  
Gonzales, Adriana

33

## *Public Utility Commission of Texas*

### **Memorandum**

TO: Chairman Donna L. Nelson  
Commissioner Kenneth W. Anderson, Jr.  
Commissioner Brandy D. Marty

CC: Executive Director Brian H. Lloyd

FROM: Darryl Tietjen, Anna Givens, Ruth Stark, William Abbott, A. J. Smullen and Joseph P. Younger

DATE: October 25, 2013

RE: **Project No. 41622** — *Rulemaking to Propose New Substantive Rule 25.245, Relating to Recovery of Expenses for Ratemaking Proceedings*

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Through Staff's internal deliberations, meetings with various stakeholders, comments from the parties, as well as a workshop conducted on Tuesday, September 24, 2013, Staff has received a number of alternative proposals for developing a rule addressing the recovery of rate-case expenses, as well as reducing the overall amount of rate-case expenses recovered by utilities and municipalities. In light of these comments and proposals, Staff now respectfully seeks guidance from the Commission at the October 25, 2013 Open Meeting regarding the development of a Proposal for Publication in Project No. 41622.

#### **I. Background**

On August 7, 2013, Staff issued and caused to be published in the Texas Register a Public Notice of Workshop and Request for Comments ("Request for Comments"). The Request for Comments solicited input from stakeholders regarding a range of issues, including:

- What revisions to the rate filing package (RFP) form could be made that would reduce costs for ratemaking proceedings;
- What revisions to the process of reviewing rate-case expenses would facilitate the review of costs incurred in ratemaking proceedings;
- Whether it would be appropriate to adopt limits on discovery in ratemaking proceedings;
- Whether it would be appropriate for the Commission to retain an outside auditor or consultant to review rate-case expenses or set a maximum hourly rate for legal and consulting services; and
- With respect to municipal rate-case expenses, what would be the appropriate allocation of those costs among a utility's various customer groups?

## II. Overview of Stakeholder Comments

A number of stakeholders filed comments on September 6, 2013 and reply comments on September 19, 2013 addressing these topics and other issues.<sup>1</sup> The comments suggested several potential approaches to addressing rate-case expense issues. As an initial matter, both utilities and intervenors suggested that the Commission should explore changes to the RFP schedules in the Commission's forms that could be updated and eliminated. Specifically, comments indicated that elimination of Schedule S of the Non-ERCOT RFP, which relates to an external accounting review of a utility's test year data, could yield potential savings.<sup>2</sup>

Several parties also suggested that the Commission should develop rules similar to those already in place at other administrative agencies.<sup>3</sup> For instance, the Office of Public Utility Counsel recommended that the rules adopted by the Texas Commission on Environmental Quality and the Railroad Commission could provide useful guidance in developing criteria for a rate-case expense rule.<sup>4</sup>

In response to Staff's questions about specific issues in connection with a potential rate-case expense rule, both utilities and intervenors nearly unanimously suggested that the use of an outside consultant or auditor, as well as imposing caps on hourly rates, was problematic. In particular, stakeholders noted that such approaches might lead to unintended consequences, including higher rate-case costs. They also noted that such approaches might prove difficult for the Commission to implement in a rule as opposed to examining specific circumstances on a case-by-case basis.<sup>5</sup>

In contrast, utilities and intervenors split over the issue of discovery limitations. Intervenors, including both municipalities and intervenors that ultimately bear their own rate-

<sup>1</sup> Comments were filed by the following parties: AEP Texas Central Company, AEP Texas North Company, Southwestern Electric Power Company, Electric Transmission Texas, LLC, the Alliance of Local Regulatory Authorities, CenterPoint Energy Houston Electric, LLC, the City of El Paso, the City of Houston, Cities in Entergy's Service Area, El Paso Electric Company, Entergy Texas, Inc., LCRA Transmission Services Corporation, Lone Star Transmission, LLC, Oncor Electric Delivery Company LLC, Office of Public Utility Counsel, Southwestern Public Service Company, the Office of the Attorney General on behalf of the State of Texas's Agencies and Institutions of Higher Education, the Steering Committee of Cities Served by Oncor, Texas Industrial Energy Consumers, and Texas-New Mexico Power Company.

<sup>2</sup> Joint Comments of AEP Texas Central Company, AEP Texas North Company, Southwestern Electric Power Company, and Electric Transmission Texas, LLC at 3 (Sept. 6, 2013) ("Joint Comments of AEP"); Southwestern Public Service Company's Response to Commission Staff's Request for Comments at 2 (Sept. 6, 2013); Project No. 41622, El Paso Electric Company's Response to Staff Questions at 2 (Sept. 6, 2013) ("El Paso Electric's Comments"); Initial Comments of Entergy Texas, Inc. at 1 (Sept. 6, 2013); Office of Public Utility Counsel's Reply to Comments in Response to Staff's Request for Comments at 7 (Sept. 19, 2013).

<sup>3</sup> CenterPoint Energy Houston Electric, LLC's Initial Comments at 8 (Sept. 6, 2013) ("CenterPoint's Comments"); Office of Public Utility Counsel's Response to Staff's Request for Comments at 3 (Sept. 6, 2013) ("OPUC's Comments").

<sup>4</sup> OPUC's Comments at 3 (Sept. 6, 2013).

<sup>5</sup> See, e.g., Comments of the Alliance of Local Regulatory Authorities at 7 (Sept. 6, 2013); CenterPoint's Comments at 14-15; City of El Paso's Response to Commission Staff Questions at 3 (Sept. 6, 2013) ("City of El Paso's Comments"); El Paso Electric's Comments at 9-10; OPUC's Comments at 10; and State Agencies' Reply to Commission Staff Questions at 10 (Sept. 6, 2013) ("State Agencies' Comments").

case expense costs, opposed limitations on discovery.<sup>6</sup> These parties also noted that the Commission already possesses the authority necessary to address discovery abuses in its current rules, so additional limitations are not necessary. On the other hand, utilities largely supported a variety of limits on discovery. These parties noted that such limits are typical in judicial proceedings and would be consistent with the Texas Rules of Civil Procedure.<sup>7</sup>

Lastly, stakeholders expressed a variety of opinions regarding the allocation and collection of municipalities' rate-case expenses. With regard to allocation, the majority of utilities and intervenors favored an allocation based on revenue.<sup>8</sup> Similarly, the majority of commenters favored a system-wide collection of rate-case expenses from customers.<sup>9</sup> Several commenters, including CenterPoint, El Paso Electric, TNMP, and Texas Industrial Energy Consumers, indicated that the direct assignment of certain municipal expenses to in-city customers might be appropriate in certain instances.<sup>10</sup>

### III. Current Activities Regarding Rate-Case Expenses

Based on its internal deliberations and stakeholder comments, and as part of the effort to improve the efficiency of the overall rate-case process and help reduce rate-case expenses, Staff has begun work in Project Nos. 39547 and 39548 to consider revising both the RFP used by vertically integrated utilities and the separate RFP used by transmission and distribution utilities. The RFPs currently in use for each of these types of utilities were adopted many years ago (the RFP for vertically integrated utilities was adopted in 1992; the RFP for TDUs was adopted in 2003). Staff is currently reviewing the content, format, and scope of the information required by each of the RFPs.

As part of this process, and pursuant to the goal of reducing the amount of necessary discovery in rate proceedings, Staff plans to consider adding additional instructions and schedules to the RFPs that could provide information that intervenors and Staff have in recent years typically requested in most or all rate cases very soon after a utility files its initial application. That is, to the extent practical, Staff intends to include in the revised RFP requirements the types of information that intervenors and Staff routinely request in the form of "standard" requests for information (RFIs) (for example, in recent years Staff has routinely sent a set of RFIs pertaining to vegetation management). To the extent that utilities can provide in their

<sup>6</sup> City of El Paso's Comments at 1; Initial Comments of the City of Houston at 3 (Sept. 6, 2013); Comments of Cities in Entergy's Service Area at 2 (Sept. 6, 2013); OPUC's Comments at 8-9; State Agencies' Comments at 6-7; Initial Comments of the Steering Committee of Cities Served by Oncor at 5-7 (Sept. 6, 2013) ("Comments of Cities Served by Oncor"); Texas Industrial Energy Consumers' Initial Comments at 3 (Sept. 6, 2013) ("TIEC's Comments").

<sup>7</sup> See, e.g., CenterPoint's Comments at 3-5 and Comments of Lone Star Transmission, LLC at 5 (Sept. 6, 2013) ("Lone Star Transmission's Comments").

<sup>8</sup> See, e.g., Joint Comments of AEP 9; Comments of Cities in Entergy's Service Area at 6-7 (Sept. 6, 2013); Lone Star Transmission's Comments at 12; Response to Questions of Oncor Electric Delivery Company, LLC at 8-9 (Sept. 6, 2013); Comments of Cities Served by Oncor at 12.

<sup>9</sup> *Id.*

<sup>10</sup> CenterPoint's Comments at 16; El Paso Electric's Comments at 10-11; Initial Comments of Texas-New Mexico Power Company at 9 (Sept. 6, 2013); TIEC's Comments at 5.

initial filings any information that is commonly requested through these kinds of standardized RFIs, the result will hopefully reduce the amount of necessary discovery and lead to a corresponding reduction in rate-case expenses.

Conversely, Staff is also considering eliminating from the RFPs any informational requirements that are no longer useful or relevant, or schedules whose completion is not cost-effective. For example, as some commenters in this project indicated, the RFP for vertically integrated utilities currently includes a requirement for the completion of Schedule S, which is essentially an additional audit report for the utility's test year. According to stakeholders, the cost to a utility to obtain this special audit report can sometimes reach nearly one million dollars. Elimination of these types of reports and schedules, therefore, may produce significant rate-case expense savings.

Within the next few weeks, Staff plans to hold a workshop in Project Nos. 39547 and 39548 to discuss revised strawman RFPs. Staff then expects to develop the new RFPs on a timeline that is generally consistent with the timeline for Project No. 41622.

#### **IV. Staff's Draft Rule**

Beyond these initial steps to limit rate-case expenses through a review of the Commission's RFPs, Staff has also considered a number of alternatives for a rate-case expense rule. In light of the written comments, statements at the workshop, and preliminary discussions with the Commissioners' offices, Staff has developed a proposal for the Commission's consideration. Staff's draft rule is attached to this memorandum as Attachment "A."

Staff's draft rule, which is based on the Texas Railroad Commission's rate-case expense rule, addresses the recovery of rate-case expenses in two ways. First, the draft rule sets forth explicit evidentiary requirements for utilities and municipalities to establish their respective rate-case expenses. Specifically, the draft rule provides that each utility or municipality shall (1) detail and itemize all rate-case expenses, and (2) provide evidence and a showing of the reasonableness of the cost of all professional services. The rule contemplates that this showing may be made either by affidavit or testimony, depending on the specific circumstances of the request.

Second, the draft rule sets forth criteria for reviewing requests by municipalities and utilities for rate-case expenses. Specifically, it directs the Commission, in considering the reasonableness of rate-case expenses to consider, among other things: (1) whether the rates paid to, tasks performed by, and time spent on each task by an entity were extreme or excessive; (2) whether there was duplication of services or testimony; (3) whether the work was relevant and reasonably necessary to the proceeding; (4) the novelty of the issues addressed; (5) the amount of discovery; (6) the occurrence of a hearing; and the size of the utility and number of customers served.

#### **V. Additional Alternatives**

In addition to an approach that establishes evidentiary requirements for proving rate-case expenses and propounds explicit standards for the Commission's evaluation of such requests,

there are several additional measures to further address rate-case expense recovery issues that the Commission may wish to consider, but which are not currently incorporated in Staff's draft rule. These include:

- Apportioning a share of the liability for rate-case expenses to a utility's shareholders.
- Allocating some portion of municipal rate-case expenses to specific customer groups. For example, one approach may be to require municipalities to delineate those municipal rate-case expenses associated with benefits to all customers (such as reductions in the revenue requirement) as opposed to those relating to the shifting of costs among customer groups (such as in the cost allocation phase).
- Adopting specific discovery limitations. Such limitations could include clarifying that Administrative Law Judges have the authority to limit excessive discovery or impose discovery limitations in rate proceedings. Alternatively, the Commission may wish to direct Staff to open a separate project to revise the Commission's procedural rules, including discovery.

## **VI. Conclusion**

Staff will gladly respond to any questions the Commissioners may have about these issues.

**ATTACHMENT "A"****STAFF'S DRAFT RATE CASE EXPENSE RULE**

- a) In any rate proceeding, a utility or municipality claiming reimbursement for its rate-case expenses pursuant to Texas Utilities Code § 33.023 or 36.061(b)(2), shall have the burden to prove the reasonableness of such rate-case expenses by a preponderance of the evidence. In order to establish its rate-case expenses, each utility or municipality shall detail and itemize all rate-case expenses and shall provide evidence, verified by testimony or affidavit, showing the reasonableness of the cost of all professional services, including but not limited to:
- i) time and labor required;
  - ii) nature and complexities of the case;
  - iii) amount of money or value of property or interest at stake;
  - iv) extent of responsibilities the attorney or professional assumes; and
  - v) benefits to the client from the services.
- b) In determining the reasonableness of the rate-case expenses, the presiding officer shall consider all relevant factors including but not limited to those set out previously, and shall also consider:
- i) whether the rates paid to, tasks performed by, and time spent on each task by an entity were extreme or excessive;
  - ii) whether there was duplication of services or testimony;
  - iii) whether the work was relevant and reasonably necessary to the proceeding;
  - iv) the novelty of the issues addressed;
  - v) the amount of discovery;
  - vi) the occurrence of a hearing; and
  - vii) the size of the utility and number of customers served.



## Filing Receipt

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**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**

**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

The Staff (Staff) of the Public Utility Commission of Texas (Commission) stipulates that the following responses to requests for information may be treated by all parties as if the answers were filed under oath.

Dated: November 10, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Margaux Fox  
State Bar No. 24120829  
Scott Miles  
State Bar No. 24098103  
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State Bar No. 24100119  
1701 N. Congress Avenue  
P.O. Box 13326  
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(512) 936-7268 (facsimile)  
Margaux.Fox@puc.texas.gov

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

**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on November 10, 2022 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox  
Margaux Fox

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

**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH 1-17**

**ETI 1-1** Please provide a full explanation of Ms. Stark's experience in hiring outside lawyers and consultants for base rate proceedings before the Public Utility Commission of Texas. For any attorneys or consultants hired by Ms. Stark, please provide: (1) the dates of the engagement; (2) the regulated entity involved; (3) the docket number of the base rate proceeding; (4) the attorneys and consultants hired; and (5) the rates charged by the attorneys and consultants hired.

**Response:** None.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

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

**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
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**ETI 1-2** Please provide a full explanation of Ms. Stark's experience in hiring outside lawyers and consultants for base rate proceedings before any regulatory authority other than the Public Utility Commission of Texas. For any attorneys or consultants hired by Ms. Stark, please provide: (1) the dates of the engagement; (2) the regulated entity involved; (3) the docket number of the base rate proceeding; (4) the attorneys and consultants hired; and (5) the rates charged by the attorneys and consultants hired.

**Response:** None.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

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

**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-3** Please provide a full explanation of Ms. Stark's experience in hiring outside lawyers and consultants for purposes of any litigated proceeding before a federal or state court. For any attorneys or consultants hired by Ms. Stark, please provide: (1) the dates of the engagement; (2) the party or parties involved; (3) the docket number of the base rate proceeding; (4) the attorneys and consultants hired; and (5) the rates charged by the attorneys and consultants hired.

**Response:** None.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
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QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-4** Does Ms. Stark agree that settled cases before the Commission have no precedential value? To the extent Ms. Stark disagrees in whole or in part, provide all support for her position.

**Response:** Yes.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
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FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-5** Does Ms. Stark agree that under the Office of Attorney General's memorandum dated July 3, 2019 (provided in Attachment RS-3), the hourly rates for attorneys at \$525 per hour could be exceeded with express approval by the First Assistant Attorney General? To the extent Ms. Stark disagrees in whole or in part, provide all support for her position.

**Response:** Yes.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
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QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

- ETI 1-6** Is Ms. Stark aware of whether the First Assistant Attorney General has ever approved an hourly rate above \$525 per hour?
- a. If the response is yes, please specify how many instances Ms. Stark is aware of.
  - b. If the response is no, please explain whether Ms. Stark has made any effort to determine whether such approvals have been provided.

**Response:** a. No.  
b. No.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark



**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-7** Does Ms. Stark agree that under the Office of Attorney General's memorandum dated July 3, 2019 (provided in Attachment RS-3), some services may be billed on a fixed fee per project basis? To the extent Ms. Stark disagrees in whole or in part, provide all support for her position.

**Response:** The Office of Attorney General's memorandum dated July 3, 2019 provides that some services may be billed on a fixed fee per project bases and requires that a subcontractor providing legal services at a fixed fee must provide a statement to the OAG certifying that the time spent on the flat fee work was, at a minimum, comparable to what would have been spent had the firm been billing at the maximum hourly rate allowed under Addendum B of the Outside Counsel Contract which, for the memorandum dated July 3, 2019, is \$525 per hour.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

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

**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-8** Does Ms. Stark agree that law firm hourly rates typically escalate over time? To the extent Ms. Stark disagrees in whole or in part, provide all support for her position.

**Response:** Ms. Stark has observed that law firm hourly rates requested as rate-case expenses in proceedings before the Commission have increased over the approximately 32 years she has been employed by the Commission.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
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FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-9** Has Ms. Stark performed any studies or analyses on increases in law firm payroll expense, overhead, and direct expenses over the last five years? If so, please provide such studies or analyses.

**Response:** No.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

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**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-10** Has Ms. Stark performed any studies or analyses on increases in consulting firm payroll expense, overhead, and direct expenses over the last five years? If so, please provide such studies or analyses.

**Response:** No.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

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**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-11** Does Ms. Stark agree that consultant hourly rates typically escalate over time? To the extent Ms. Stark disagrees in whole or in part, provide all support for her position.

**Response:** Ms. Stark has observed that consulting hourly rates requested as rate-case expenses in proceedings before the Commission have increased over the approximately 32 years she has been employed by the Commission.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
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FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-12** Referring to the adjustment for the two attorneys at Jackson Walker, did Ms. Stark perform a study of the hourly rates charged by outside consultants providing rate case expense testimony for utilities? If so, provide the study. If not, provide all support for removing the amount of hourly fees that exceed \$550 per hour.

**Response:** No.

The support for removing the Jackson Walker hourly fees exceeding \$550 per hour is the Commission's Order in Docket No. 51415. In that proceeding, a portion of the disallowed hourly attorney billing rates in excess of \$550 per hour was for the consulting work of a tax attorney employed by Eversheds Sutherland who testified on a tax normalization issue on behalf of SWEPCO.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

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**COMMISSION STAFF'S RESPONSE  
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QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-13** In the past five years, has Commission Staff hired an attorney, consultant, or service provider on an hourly basis? If so, please provide the details of the engagement, including the engagement letter, the hourly rates by timekeeper, a description of the service provided, and the total amount paid to the consultant or service provider.

**Response:** No, Commission Staff has not made such hirings.

Prepared by: Margaux Fox

Sponsored by: Margaux Fox

**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
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QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-14** In the past five years, has Commission Staff hired an attorney, consultant, or service provider on a flat fee or fixed fee basis? If so, please provide the details of the engagement, including the engagement letter, a description of the service provided, the total amount paid to the attorney, consultant or service provider, and the invoices from the attorney, consultant, or service provider.

**Response:** No, Commission Staff has not made such hirings.

Prepared by: Margaux Fox

Sponsored by: Margaux Fox



**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
TO ENTERGY TEXAS, INC.  
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QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-15** Referring to page 22 regarding Deloitte, is it Ms. Stark's position that all consultants, even those providing services for a discrete issue or set of issues, are required to provide detailed task narratives by timekeeper? If so, provide all support for her position.

**Response:** Ms. Stark's position that all consultants that by definition are "professionals" as that term is used in the Commission's rate-case expense rule must comply with 16 TAC § 25.245(b)(2) and (c)(1).

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

**SOAH DOCKET NO. 473-22-04394  
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**COMMISSION STAFF'S RESPONSE  
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FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-16** Referring to page 22, other than the invoice, in Ms. Stark's opinion what type of third-party documentation for Deloitte is ETI required to provide to show that such expenses are reasonable and necessary?

**Response:** As explained at page 22 of Ms. Stark's testimony, it is her opinion that ETI should have structured its agreement with Deloitte in a manner that would require the submission of documentation that complies with the requirements of 16 TAC § 25.245.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark

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**COMMISSION STAFF'S RESPONSE  
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FIRST REQUEST FOR INFORMATION  
QUESTION NOS. ETI 1-1 THROUGH ETI 1-17**

**ETI 1-17** Has Ms. Stark performed a study of the costs to utilities for audit services in connection with the review of affiliate costs? If so, provide the study.

**Response:** No.

Prepared by: Ruth Stark  
Sponsored by: Ruth Stark