



Filing Receipt

Received - 2022-11-28 02:52:13 PM
Control Number - 53719
ItemNumber - 384

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

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

**TEXAS INDUSTRIAL ENERGY CONSUMERS' OBJECTIONS TO SIERRA CLUB'S
FIRST SET OF REQUESTS FOR INFORMATION**

Texas Industrial Energy Consumers ("TIEC") files the following objections to the First Requests for Information ("RFI") to TIEC filed by Sierra Club, which was received on November 16, 2022. Accordingly, pursuant to the procedural schedule entered in this case, TIEC's response is timely filed. TIEC and Sierra Club have conferred diligently and in good faith regarding these objections, but the parties have not reached a resolution at this time.

OBJECTIONS

- 1-3** Has Mr. Pollock, TIEC, or any employee, contractor, or consultant for TIEC conducted or reviewed a retirement study, economic analysis, or any assessment of the costs or benefits of retiring or continuing to operate the Nelson and Big Cajun II plants. If so, provide copies of all of these studies. If not, why?
- 1-4** Has Mr. Pollock, TIEC, or any employee, contractor, or consultant for TIEC conducted or reviewed any analysis of the environmental compliance risks or costs associated with continuing to operate Nelson or Big Cajun 2? If so, please provide copies of all these studies. If not, why?

TIEC objects to Sierra Club-TIEC 1.3 and 1.4 ("the RFIs") to the extent that the RFIs seek materials that are protected by work-product privilege or by Texas Rules of Civil Procedure, Rule 195.5(c).¹ While TIEC has not identified any material that is responsive to the RFIs and will submit a response to the RFIs, TIEC objects out of an abundance of caution to preserve its rights.

¹ The work-product doctrine protects "material prepared or mental impressions developed in anticipation of litigation or for trial by or for a party or a party's representatives" and "communication[s] made in anticipation of litigation or for trial between a party and the party's representatives or among a party's representatives," while Rule 195.5(c) protects "[c]ommunications between the party's attorney and any testifying expert witness in the case," with certain exceptions. *See* Tex. R. Civ. Proc. 192.3(a), 192.5, 195.5; 16 T.A.C. § 22.141(a).

For the foregoing reasons, TIEC respectfully requests that the ALJs sustain these objections and grant TIEC all other relief to which it is entitled.

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Benjamin B. Hallmark

Rex D. VanMiddlesworth

State Bar No. 20449400

Benjamin B. Hallmark

State Bar No. 24069865

Christian E. Rice

State Bar No. 24122294

303 Colorado St., Suite 2750

Austin, TX 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 the foregoing document was served on all parties of record in this proceeding on this 28th day of November, 2022 by facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian E. Rice

Christian E. Rice