#### Sargent & Lundy Labor Billing Attachment (A17) Invoice No: 17772553 Dated: 02/22/22

Project ID: A13678.101					
Client Job Category	Employee Name	Reg/OT	Hours	Rate	1
ASSOCIATE I	Gier, Katie	Reg	1.0	\$102.00	
ASSOCIATE I - Total			1.0		1
ASSOCIATE II	Long, Meredith I	Reg	0.5	\$122.00	1
ASSOCIATE II - Total			0,5		1
MANAGER	Circolone, Nick P	Reg	2.0	\$190.00	1
MANAGER - Total			2.0		1
PRINCIPAL/SPEC TESTIMONY SUPP.	McHone, Sean C	Reg	12.0	\$270.00	
PRINCIPAL/SPEC TESTIMONY SUPP Total			12,0		1
A13678,101 - Total			15,5		1
TOTAL ATTACHMENT 15.5					

#### Sargent & Lundy Labor Billing Attachment (A20) Invoice No: 17772553 Dated: 02/22/22

Employee Name	Emp No	Charge Date
Circolone, Nick P	0L0594	01/27/22
Circolone, Nick P - Total		
Gier, Katie	0P4215	01/28/22
Gier, Katie - Total		
Long, Meredith I	0L8116	01/28/22
Long, Meredith I - Total		
McHone, Sean C	0K5486	01/21/22
		01/24/22
		01/25/22
		01/27/22
McHone, Scan C - Total		
A13678.101 - Total		
TOTAL ATTACHMENT		

WP/MEG Second Supp. Direct Testimony Page 296 of 315

## SARGENT & LUNDY, L.L.C.

SARGENT & LUNDY, L.L.C. CIBC 120 SOUTH LASALLE CHICAGO, IL 60603 ABA NUMBER: 071006486 ACCOUNT NUMBER: 2185092 SWIFT CODE: PVTBUS44 ACCOUNT TITLE: SARGENT & LUNDY, L.L.C. PAYMENT DETAIL: TELEPAX NO:(312) 269-9675 accounts.receivable@sargentlundy.com

REMITTANCE ADDRESS FOR CHECK PAYMENTS: SARGENT & LUNDY, L.L.C. 8070 SOLUTIONS CENTER CHICAGO, IL 60677-8000 INVOICE NO: 17844500 DATE: 07/22/22 PAGE: 1

DUGGINS WREN MANN & ROMERO, LLP P.O. BOX 1149 AUSTIN, TX 78767-1149

ATTN: MR. JOHN F. WILLIAM

PO NO: SA-32261 CONTRACT: SA-32261

TIN: 36-1729848

TERMS: PAYMENT DUE PER TERMS OF THE CONTRACT Currency Code: USD

CLIENT INVOICING SPECIALIST: Hennelly, Connor 312-269-7308

#### SERVICE THRU: 05/31/2022

SERVICE DESCRIPTION: AE3678.101 2022 DEMOLITION STUDY

Description	Bill Hours	Amount To Bill
Labor	591.5	\$116,935.00
LABOR Total	591.5	\$116,935.00
Other Travel	0.0	\$159.05
TRAVEL Total	0.0	\$159.05
TOTAL INVOICE	591.5	\$117,094.05

PM - Circolone, Nick P

-----EMAIL TO: JWILLIAMS@DWMRLAW.COM IN LIEU OF HARD-COPY ORIG. AND FORWARDING TO ETHFOR PROCSSING AND PAYMENT.]

Kafie Gier (Administrative) - 25 hours spent in administrative task and document controls.

Nick Circolone (Project Manager) - 27 hours spent in client meetings, preparation for site visit to Hardin, project administration including status discussion with the Project Director and Estimator, review of cost estimates, review and dispositioning comments received from ETI on draft reports, and issue final summary reports. Scan Mellone (Project Director) - 128 hours spent in client meetings, project status discussion with the Project Manager

regarding the estimate development, and basis of estimate, review of related estimates used in precedent cases, review of draft testimony, attending client meetings, review and dispositioning comments received from ETI on the draft reports, and finalizing the revised reports.

Greg Amen (Lead Estimator) – 349 hours spent in preparing the cost estimate with commodities from previous effort and developing the cost estimate input commodities and cost for Hardin and MCPS.

Borko Andrie (Estimating Manager) -9 hours spent in support of the cost estimate preparation and review.

Jose Gutierrez (Engineer) -53.5 hours spent in preparation for and in visit to Hardin station, reviewing and commenting on the inputs and details of the cost estimate.

#### Sargent & Lundy Labor Billing Attachment (A17) Invoice No: 17844500 Dated: 07/13/22

Client Job Category	Employee Name	Reg/OT	Hours	Rate	
ASSOCIATE I	Gier, Katie	Reg	25.0	\$102.00	
ASSOCIATE I - Total			25.0	ر <u> </u>	
MANAGER	Andric, Borko	Over	4.0	\$190.00	
		Reg	5,0	\$190,00	
	Circolone, Nick P	Reg	27.0	\$190.00	
	Gutierrez, Jose d	Reg	53.5	\$190.00	
MANAGER - Total		89.5	,		
PRINCIPAL/SPEC TESTIMONY SUPP.	McHone, Sean C	Reg	128.0	\$270,00	
PRINCIPAL/SPEC TESTIMONY	l SUPP Total	,	128.0	· )	
SENIOR PROJECT ASSOCIATE	Amen, Gregory	Over	137.0	\$180.00	
		Rcg	212,0	\$180,00	
SENIOR PROJECT ASSOCIATE	349.0	· )			
A13678.101 - Total			591.5	,	
TOTAL ATTACHMENT				,	

# Project ID: A13678.101

#### Sargent & Lundy Labor Billing Attachment (A20) Invoice No: 17844500 Dated: 07/13/22

Employee Name	Emp No	Charge Date
Amen, Gregory	0D9150	02/12/22
		02/15/22
		02/16/22
		02/17/22
		02/18/22
		02/19/22
		02/21/22
		02/22/22
		02/23/22
		02/24/22
		02/25/22
		02/26/22
		02/28/22
		03/01/22
		03/02/22
		03/03/22
		03/04/22
		03/05/22
		03/07/22
		03/08/22
		03/09/22
		03/10/22
		03/11/22
		03/12/22
		03/14/22
		03/15/22
		03/16/22

## Project ID: A13678.101

#### Emp No Charge Date Employee Name 0D9150 Amen, Gregory 03/17/22 03/18/22 03/19/22 03/21/22 03/22/22 03/23/22 03/24/22 03/25/22 03/26/22 03/27/22 04/12/22 04/13/22 04/14/22 04/15/22 Amen, Gregory - Total 0N9192 03/22/22 Andric, Borko 03/23/22 03/25/22 03/26/22 Andric, Borko - Total Circolone, Nick P 0L0594 02/09/22 02/10/22 02/11/22 03/01/22 03/03/22 03/10/22 03/14/22 04/06/22 04/11/22

Employee Name	Emp No	Charge Date	
Circolone, Nick P	01.0594	04/12/22	+
		04/13/22	+
		04/14/22	
		04/19/22	
		04/20/22	
		04/29/22	
Circolone, Nick P - Total	'	I	
Gier, Katie	0P4215	02/07/22	
		02/11/22	
		02/15/22	+
		02/23/22	+
		02/28/22	
		03/04/22	
		03/17/22	
		03/22/22	
		04/14/22	
		04/15/22	
		04/18/22	
		04/21/22	
		04/26/22	
		04/29/22	
Gier, Katie - Total	•	•	
Gutierrez, Jose d	0\$8333	03/01/22	
		03/02/22	
		03/03/22	
		03/04/22	
		03/07/22	
		03/08/22	
		03/09/22	

	o: 17844500 Dated: 07/13/22		
Employee Name	Εωρ Νο	Charge Date	
Gutierrez, Jose d	0\$8333	03/14/22	
		03/15/22	
		03/16/22	
		03/17/22	
		03/18/22	
		03/21/22	
		03/22/22	
		03/23/22	
		03/24/22	
		03/25/22	
		03/28/22	
		03/29/22	
		03/30/22	
		03/31/22	
		04/04/22	
		04/05/22	
		04/06/22	
		04/07/22	
		04/14/22	
Gutierrez, Jose d - Total			
McHone, Sean C	0K5486	02/10/22	
		02/14/22	
		02/15/22	
		02/22/22	
		02/23/22	
		03/01/22	
		03/02/22	
		03/09/22	
		03/10/22	

Employee Name	Emp No	Charge Date
AcHone, Sean C	0K5486	03/15/22
		03/16/22
		03/21/22
		03/24/22
		03/28/22
		04/01/22
		04/04/22
		04/05/22
		04/06/22
		04/07/22
		04/11/22
		04/12/22
		04/13/22
		04/14/22
		04/15/22
		04/18/22
		04/20/22
		04/25/22
		04/27/22
		04/29/22
		05/05/22
		05/06/22
		05/09/22
		05/10/22
		05/11/22
		05/12/22
		05/13/22
		05/18/22

Employee Name	Emp No	Charge Date	
A13678.101 - Total			
TOTAL ATTACIIMENT			

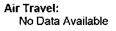
# Sargent & Lundy, LLC Travel Expenses

Report Run On: Jul

Tracking Number: ER00045528 Employee Name: Jose Gutierrez Title: Visit to Entergy Peaker plant Employee Number: 0S8333

Category Expenses Incurred On	Tue Mar 8, 2022	Tolal
Air	-	
Car	I	
Cell	İ	
Fuel	I	
Ground Transportation	\$12.80	\$12.80
Hotel Room Rate Per Day	Ì	
Room Tax Per Day	i	
Breakfasl	Ï	
Lunch	Ϊ.	
Dinner	Ì	
Olher Travel	I	
Misc/Incidental		
Mileage	\$146.25	\$146.25
Mileage - Canada	ľ	
Mileage - KM	I	
Total	\$159.05	\$159.05

	Project ID	Project Name	Expense Charge Type	Transaction Currency Amount
	A13678.101.EXP0000000	DEMOLITION STUDY	DIRTRAVEL	\$159.05
ļ	Overall - Total			\$159.05
	Mileage Breakdown:			



1

Sargent & Lundy, LLC Travel Expenses

2

	Report Run On: Jul
Tracking Number: ER00045528	Title: Visit to Entergy Peaker plant
Employee Name: Jose Gutierrez	Employee Number: 0S8333
Start Date Miles Rate Mileage Destination	
Mar 8, 2022 250 0.585 146.25 1103 Foster Creek Dr	
Amusered but Niek Obselene	

Approved by: Nick Circolone

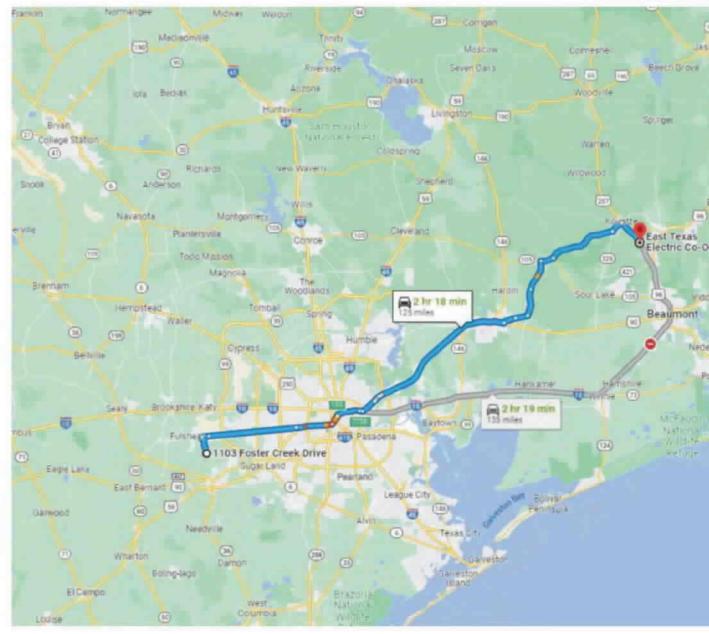
Documents Notes: Met with Asset Manager & Field Supervisor during walkdown of the existing plant as part of the Demolition Study.

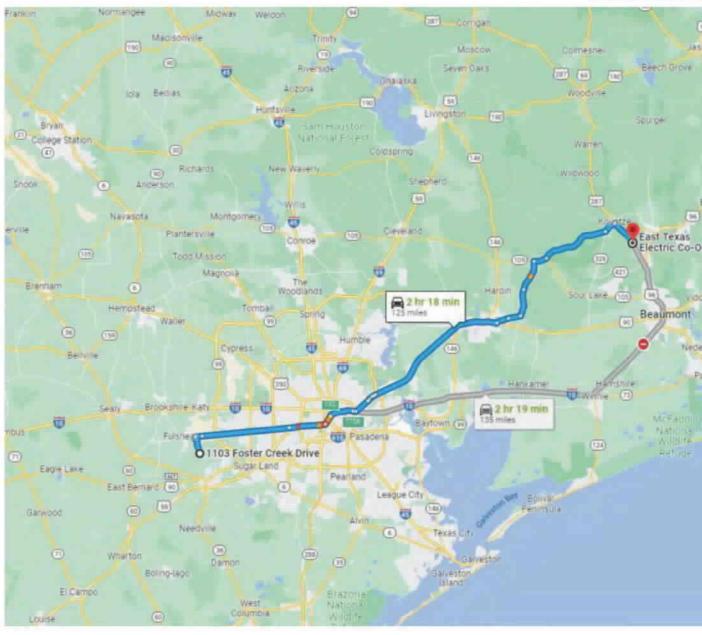
#### Sargent & Lundy Travel Attachment with no Receipt Invoice No: 17844500 Dated: 07/13/22

# Project ID: A13678.101

A/P Invoice TD	Name	ID	Meal	Mise	Other
ER00045528	Jose d Gutierrez	0\$8333	\$0.00	0.00	\$159.05
Jose d Gutierrez - Total		\$0.00	\$0.00	\$159.05	
ER00045528 - Total			\$0.00	\$0.00	\$159.05
A13678.101 - Total		\$0,00	\$0.00	\$159.05	
TOTAL ATTACHMENT		\$0.00	\$0.00	\$159.05	







MENU	<b>HCTRA</b>	MAKE A PAYMENT	PAY MISSED TOLLS	PAY INVOICES	Tensited by Google O ENGLISH	0
A			Acct:	935275   Bal: :	\$17.11	
	Account Activity	,				
Vahicles	agencies may take up	to 60 days to p		and the second second	transactions from other e: Searchable date range is	Acc
Account Activity	currently limited to th	e last 90 days.	Transactions   State	ements   Yearly	Summary   Recen	
Profile &	Filtered By:	All Transactions 💙	All Vehicle	s 🗸 M	ar 04, 2022 to Mar 11, 2022 🚺	So
	Transaction Date	×.				
	Showing results for	: "All Transactio	ons for All Vehicles	from Mar 4, 20	22 to Mar 11, 2022 filtered by	Trans
	8 Records found	> PDF III I	Excel			Filter
	YEHICLE / TRANSACTIO TRANSACTION DATE TRANSACTION DATE	IN LIC. PLATE NICKN	AME LOCATION			DES

LPW619003/08/22 03/08/22 05:43 PM 05:43 PM CST	FBWP WESTPARK TOLLWAY - P_	IOP Trai
CST		

TX- LPW6190 <sub>03</sub> /08/22 TX-		IVA
03/08/22 <sup>05:32 PM</sup> LPW6190 05:32 PM <sup>CST</sup> CST	WESTPARK TOLL ROAD - WEST	Tran
TX- LPW619003/08/22 03/08/22 05:16 PM 05:16 PM CST CST	WESTPARK TOLL ROAD - WEST	AVI Tran
TX- LPW6190 03/08/22 03/08/22 06:57 AM LPW6190 06:57 AM CST CST	SAM HOUSTON TOLL ROAD - S	AVI Tran
TX- LPW619003/08/22 03/08/22 06:45 AM 06:45 AMCST CST	SAM HOUSTON TOLL ROAD - S	AVI Tran
TX- LPW619003/08/22 TX- 03/08/22 06:37 AM LPW6190 06:37 AM CST CST	SAM HOUSTON TOLL ROAD - S	AVI Tran

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[ <b>A-</b>		
LPW6190 03/08/22 TX- 06:32 AM 03/08/22 CST 06:32 AM CST	WESTPARK TOLL ROAD - WEST	AVI Tran
TX- LPW619003/08/22 03/08/22 06:21 AM 06:21 AM CST CST	FBWP WESTPARK TOLLWAY - W	<b>IO</b> P- Tran





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WP/MEG Second Supp. Direct Testimony Page 312 of 315

## SARGENT & LUNDY, L.L.C.

SARGENT & LUNDY, L.L.C. CIBC 120 SOUTH LASALLE CHICAGO, IL 60603 ABA NUMBER: 071006486 ACCOUNT NUMBER: 2185092 SWIFT CODE: PVTBUS44 ACCOUNT TITLE: SARGENT & LUNDY, L.L.C. PAYMENT DETAIL: TELEPAX NO:(312) 269-9675 accounts.receivable@sargentlundy.com

REMITTANCE ADDRESS FOR CHECK PAYMENTS: SARGENT & LUNDY, L.L.C. 8070 SOLUTIONS CENTER CHICAGO, IL 60677-8000 IN VOICE NO: 17908675 DATE: 11/10/22 PAGE: 1

DUGGINS WREN MANN & ROMERO, LLP P.O. BOX 1149 AUSTIN, TX 78767-1149

ATTN: MR. JOHN F. WILLIAM

PO NO: SA-32261 CONTRACT: SA-32261

TIN: 36-1729848

TERMS: PAYMENT DUE PER TERMS OF THE CONTRACT Currency Code: USD

#### CLIENT INVOICING SPECIALIST: Mekhail, Heba 312-269-2119

#### SERVICE THRU: 10/31/2022

SERVICE DESCRIPTION: A13678.101 2022 DEMOLITION STUDY

Description	Bill Hours	Amount To Bill
Labor	42.0	\$10,212.00
LABOR Total	42.0	\$10,212.00
TOTAL INVOICE	42.0	\$10,212.00

PM - Circolone, Nick P SEND TO PATRICK PEARSALL (PPEARSALL@DWMRLAW.COM)

CC TO: SE(AN MCHONE

Invoice 17908675 for service from 8/1/22 through 10/31/22 Nick Circolone (Project Manager) - 12 hours spent in client meetings, response to RFI. Scan McHone (Project Director) - 29 hours spent in client meetings, response to RFI and preparation of rebuttal testimony. Katic Gier (Administrative) - 1 hours spent in administrative task and document controls.

#### Sargent & Lundy Labor Billing Attachment (A17) Invoice No: 17908675 Dated: 11/10/22

# Project ID: A13678.101

Client Job Category	Employee Name	Reg/OT	Hours	Rate	
ASSOCIATE I	Gier, Katie	Reg	1.0	\$102.00	
ASSOCIATE I - Total			1.0		
MANAGER	Circolone, Nick P	Reg	12.0	\$190.00	
MANAGER - Total			12,0	· · · · · · · · · · · · · · · · · · ·	
PRINCIPAL/SPEC TESTIMONY SUPP,	McHoue, Sean C	Reg	29.0	\$270.00	
PRINCIPAL/SPEC TESTIMONY SUPP Total					
A13678.101 - Total			42,0		
TOTAL ATTACHMENT			42,0		

#### Sargent & Lundy Labor Billing Attachment (A20) Invoice No: 17908675 Dated: 11/10/22

## Project ID: A13678.101

Employee Name	Emp No	Charge Date	Τ
Circolone, Nick P	0L0594	08/23/22	
		08/24/22	
		08/29/22	
		08/30/22	
		08/31/22	
		10/24/22	
		10/28/22	
Circolone, Nick P - Total			
Gier, Katie	0P4215	08/30/22	
Gier, Katie - Total			
McHone. Sean C	0K5486	08/17/22	
		08/18/22	
		08/19/22	
		08/29/22	
		08/30/22	
		10/04/22	
		10/06/22	
		10/24/22	
		10/27/22	
		10/28/22	
		10/31/22	
McHone, Sean C - Total			
A13678.101 - Total			
TOTAL ATTACHMENT			

# Commonwealth Consulting Group of VA, Inc. P.O. Box 816 McLean, VA 22101

# Invoice for Payment of Services Rendered In: Work Performed on Behalf of Entergy Texas, Inc.

<u>Date</u>	Task <u>Description</u>	Location <u>Of Work</u>	Tracking <u>Code</u>	Party <u>Responsible</u>	Work <u>Performed By</u>
2/10/2022	1,2,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
2/15/2022	1,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
2/20/2022	1,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
3/10/2022	1,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
3/11/2022	7,8	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
3/13/2022	1,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
3/14/2022	1,2,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
3/24/2022	8	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
3/30/2022	7,8	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
4/6/2022	1,2,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
4/11/2022	7,8	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
4/12/2022	1,2,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
4/18/2022	1.2,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
5/17/2022	1,2,7	VA	ETI 2022 Rate Case	M. BOLDT	L. BLANKENSHI
	Tracking Co	de Total-ETI 2	2022 Rate Case		

# AMOUNT DUE A

I

# **GRAND TOTA**

# **Task Description Codes**

1	Review Documents	6
2	Prep/Rvw Testimony	7
3	Prep/Rvw Data Request/Response	8
4	Prep for/or Attend Meetings	9
5	Prep for/or Attend Hearings	10

The following files are not convertible:

Exhibits MEG-SD2-1 through MEG-SD2-

19.xlsx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact centralrecords@puc.texas.gcv if you have any questions.



# **Filing Receipt**

Filing Date - 2023-08-25 12:35:44 PM

Control Number - 54634

Item Number - 444

### SOAH DOCKET NO. 473-23-14020 PUC DOCKET NO. 54634

APPLICATION OF SOUTHWESTERN \$BEFORE THE STATE OFFICEPUBLIC SERVICE COMPANY FOR \$OFAUTHORITY TO CHANGE RATES \$ADMINISTRATIVE HEARINGS

## REBUTTAL TESTIMONY of THOMAS K. ANSON

#### on behalf of

#### SOUTHWESTERN PUBLIC SERVICE COMPANY

(Filename: AnsonRRRebuttal.docx; Total Pages: 30)

#### **Table of Contents**

I,	WITNESS IDENTIFICATION	
II.	SUMMARY OF REBUTTAL TESTIMONY AND	
	RECOMMENDATIONS	4
<b>III</b> .	HOURLY RATE CAPS	6
IV.	DELOITTE PAYMENT	
V.	CONCLUSION	
AFFIE	DAVIT OF THOMAS K. ANSON	
CERT	IFICATE OF SERVICE	
TEST	IMONY ATTACHMENT:	
	Attachment TKA-RR-R1 (non-native format)	

1

## **GLOSSARY OF ACRONYMS AND DEFINED TERMS**

Acronym/Defined Term	Meaning
Commission or PUC	Public Utility Commission of Texas
NMGRT	New Mexico Gross Receipts Tax
OAG	Office of the Attorney General of Texas
OPUC	Office of Public Utility Counsel
PURA	Public Utility Regulatory Act
RF1	Request for Information
SPS	Southwestern Public Service Company
SWEPCO	Southwestern Electric Power Company
TAC	Texas Administrative Code

2

Rebuttal Testimony of Thomas K. Anson

SOAH Docket No. 473-23-14020 PUC Docket No. 54634

## REBUTTAL TESTIMONY OF THOMAS K. ANSON

1		I. <u>WITNESS IDENTIFICATION</u>
2	Q.	Please state your name and business address.
3	Α.	My name is Thomas K. Anson. My business address is 720 Brazos Street, Suite
4		700, Austin, Texas 78701.
5	Q.	On whose behalf are you testifying in this proceeding?
6	Α.	I am filing testimony on behalf of the applicant, Southwestern Public Service
7		Company, a New Mexico corporation ("SPS"), and a subsidiary of Xcel Energy
8		Inc.
9	Q.	Are you the same Thomas K. Anson who filed direct and update testimony on
10		behalf of SPS in this docket?

11 A. Yes.

#### II. <u>SUMMARY OF REBUTTAL TESTIMONY AND</u> <u>RECOMMENDATIONS</u>

# 3 Q. What is the scope of this rebuttal testimony?

1

2

4	$\mathbf{A}_{\cdot}$	Public Utility Commission of Texas ("Commission" or "PUC") Staff witness,
5		Vonetta Jackson, provided direct testimony on August 11, 2023, regarding the
6		recovery of rate case expenses by SPS in this rate case and in certain of the prior
7		dockets for which SPS seeks rate case expense recovery. Ms. Jackson has reviewed
8		SPS's rate case expense information, has recommended some adjustments to
9		certain of the SPS rate case expense amounts, and has recommended that SPS
10		recover its rate case expenses subject to those recommended adjustments. My
11		rebuttal testimony responds to certain aspects of the direct testimony of Ms. Jackson
12		with regard to SPS's external rate case expenses. SPS witness Dr. Michael K.
13		Knapp addresses in his rebuttal testimony certain other aspects of Ms. Jackson's
14		direct testimony.

15 Office of Public Utility Counsel ("OPUC") witness Constance T. Cannady 16 provided direct testimony on August 4, 2023, regarding various matters, including 17 the recovery of one of the rate case expenses by SPS in this rate case. My rebuttal 18 testimony responds to the direct testimony of Ms. Cannady with respect to that rate 19 case expense matter.

4

Rebuttal Testimony of Thomas K. Anson

SOAH Docket No. 473-23-14020 PUC Docket No. 54634

1	Q.	Was this testimony prepared by you or under your direction and supervision?
2	Α.	Yes. This testimony was prepared by me or under my direction and supervision.
3		The information contained in this update testimony is true and correct to the best
4		of my knowledge, information, and belief after reasonable inquiry.
5	Q.	Is Attachment TKA-RR-R1 a true and correct copy of the document you
6		purport it to be?
7	Α.	Yes.
8	Q.	Please summarize your rebuttal testimony and recommendations.
9	Α.	Ms. Jackson seeks to impose an across-the-board hourly rate cap for attorneys' fees
10		and consultant fees. For the reasons I detail in my rebuttal testimony, such a cap is not
11		appropriate or reasonable and should be rejected.
12		Ms. Cannady recommends a specific adjustment to exclude all of cost of
13		Deloitte's limited accounting review of certain rate filing package schedules. My
14		rebuttal testimony provides support for the recovery of that expense.
15		I recommend the Commission approve the recovery of SPS's requested
16		amount of external rate case expenses as set forth in the rebuttal testimony of Dr.
17		Кларр.

5

Rebuttal Testimony of Thomas K. Anson

SOAH Docket No. 473-23-14020 PUC Docket No. 54634

1		III. <u>HOURLY RATE CAPS</u>
2	Q.	PUC Staff witness Ms. Jackson, on pages 15-18 of her direct testimony,
3		recommends a reduction in the recoverable rate case expenses in this and prior
4		dockets that are being reviewed in this case for hourly rates in excess of \$550
5		per hour. How do you respond?
6	А.	I disagree with that recommendation for four reasons.
7	Q.	What is the first reason for your disagreement with Ms. Jackson's
8		recommendation?
9	Α.	Ms. Jackson recommends the imposition in this case of a proposed \$550 per hour
10		cap on professional services based on the outcome of the last comprehensive rate
11		case of Southwestern Electric Power Company ("SWEPCO").1 The bulk of her
12		adjustment is to law firm expenses.
13		However, nothing in the SWEPCO case says that \$550 should be the
14		maximum hourly rate on an across-the-board basis in all rate cases, much less for
15		any particular professional in any particular rate case. Instead, in that SWEPCO
16		rate case the Commission found that SWEPCO had not met its burden of proof to
17		show the reasonableness of certain law firm hourly rates in excess of \$550 based
18		on the facts in that particular case: "SWEPCO did not meet its burden of proof to
19		show that the nature, extent, and difficulty of the work performed by the attorneys

<sup>&</sup>lt;sup>1</sup> Application of Southwestern Electric Power Company for Authority to Change Rates, Docket No. 51415, Order (Jan. 14, 2022), available at:

https://interchange.puc.texas.gov/Documents/51415\_705\_1180622.PDF.

1 who charged in excess of \$550 per hour justified hourly rates in excess of \$550 in

2 this base-rate case."<sup>2</sup>

In contrast, SPS in its rate case has shown that the nature, extent, and difficulty of the professional work performed justified the hourly rates for those professionals whose rates are in excess of \$550.

Q. What has SPS provided showing that the nature, extent, and difficulty of the
work performed by those who charged in excess of \$550 per hour justified
hourly rates in excess of \$550?

9 А. As I discussed in my direct testimony, (at pages 16-21, 25-28), only a limited 10 number of professional firms could meet SPS's requirements for this 11 comprehensive rate case and the several other Texas rate proceedings that are under 12 review in this one; the professional firms SPS engaged have a high level of 13 expertise and knowledge of electric utility rate regulation, as well as significant 14 direct experience in SPS's prior rate cases; the rates charged by the attorneys are 15 reasonable based on my independent review and analysis; and the fact those rates 16 are generally comparable to rates charged by other practitioners providing similar 17 services, with the upper end being in the \$600 to \$800-plus range, further confirms 18 that the hourly rates under review in this case are reasonable.

With regard to rates charged by other practitioners, Ms. Jackson does not
address the fact (as detailed in my direct testimony at p. 20 and footnote 36) that
outside expert witness rate case expense testimony in other PUC electric rate cases

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<sup>&</sup>lt;sup>2</sup> Id., Order at Finding of Fact No. 308,

1	supports my conclusion that the upper range of reasonable hourly rates are currently
2	\$600 to \$800-plus. I note that the Railroad Commission of Texas recently found
3	that hourly rates ranging as high as \$877 are reasonable and may be recovered from
4	ratepayers by regulated gas utilities. <sup>3</sup> Gas utility rate proceedings are similar in
5	nature to electric utility rate proceedings, involve many of the same ratemaking
6	principles, and often involve professionals who also work on electric utility cases.
7	This further supports my conclusion that the current upper range of reasonable
8	hourly rates are \$600 to \$800-plus.
9	While Ms. Jackson does not address my direct testimony about outside

10 expert witness rate case expense testimony in other PUC electric rate cases 11 supporting the upper range of reasonable hourly rates of \$600 to \$800-plus, she 12 does quote one of the SWEPCO case fact findings which says: "310. The fact that 13 other entities may be willing to pay an attorney a rate in excess of \$550 per hour 14 does not mean that the rate is reasonable and not excessive in the context of a Commission electric utility rate proceeding."<sup>4</sup> To be clear, my direct testimony did 15 16 not assert that the other utilities' willingness to pay rates in excess of \$550 per hour 17 in those other rate cases did not by itself make the rates charged to SPS reasonable 18 by definition. Instead, I set forth why the rates charged to SPS were on their own

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<sup>&</sup>lt;sup>3</sup> Statement of Intent Filed by Universal Natural Gas, Inc., to Increase and Consolidate Rates in the Unincorporated Areas Served by Universal Natural Gas, LLC, et al., RRC Docket No. OS-20-00004865, Proposal for Decision at p. 22 (Mar. 31, 2021) and Order (Apr. 14, 2021); Statement of Intent Filed by Hooks Gas Pipeline, LLC to Increase and Consolidate Rates for Hooks Gas Pipeline, LLC, et al., RRC Docket No. OS-0-00004866, Proposal for Decision at p. 14 (Mar. 23, 2021) and Order (Apr. 14, 2021).

<sup>&</sup>lt;sup>4</sup> Direct Testimony of Vonetta Jackson at 17 (Aug. 11, 2023) (quoting *Application of Southwestern Electric Power Company for Authority to Change Rates*, Docket No. 51415, Order at Finding of Fact No. 310 (Jan. 14, 2022)).

basis reasonable, then referenced the expert testimony in those other rate cases which had concluded that the rates charged there were reasonable, as confirmation of my independent conclusion. In other words, I did not solely rely on the expert testimony in those other cases, I simply utilized the expert testimony in those other cases as an additional factor supporting my conclusion in this case that the rates charged to SPS were reasonable.

It should also be kept in mind that there is not an unlimited supply of law firms that can provide the kinds of legal services necessary for electric rate cases before the PUC. There are only a limited number of qualified and experienced law firms that have the necessary qualifications, experience, and depth of personnel and other resources, given the complex and specialized nature of electric utility ratemaking before this Commission.

Within that limited scope of potentially available law firms here in Texas, not all are available due to conflicts of interest. And even those that may not have a conflict of interest may already be deployed in the service of other utility rate cases, such that they do not have the ability to provide the time and attention necessary for a rate case engagement when the need arises for SPS.

18 Compounding that aspect, SPS's need for qualified and experienced legal 19 counsel was not limited to the handling of only the Texas rate cases being reviewed 20 for rate case expense recovery in this case, but also for the handling of the 21 comprehensive New Mexico rate case that it was pursuing in tandem with the Texas 22 comprehensive rate case (for efficiency reasons, as 1 described in my direct 23 testimony at p. 11). That scope of SPS work requirements further limited the

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SOAH Docket No. 473-23-14020 PUC Docket No. 54634 number of firms with the requisite number of qualified and experienced lawyers
 and other law firm personnel and resources that could provide the range of legal
 services which SPS needed for these various rate cases.

4 Indeed, all of the individuals identified in Ms. Jackson's Attachment VJ-9 who have hourly rates in excess of \$550 worked on prior SPS matters, and are 5 6 senior and very experienced professionals such as law firm partners. The Eversheds 7 Sutherland (US) LLP attorneys whose hourly rates exceed \$550 are all law firm 8 partners, have utility law and litigation experience ranging from over a decade to 9 nearly two and a half decades, and worked on prior SPS rate cases including the 10 last comprehensive one, Docket No. 51802. The Baker Botts, L.L.P. attorney 11 whose hourly rate exceeds \$550 is a law firm partner, has nearly two decades of 12 utility law and litigation experience, and worked on the SPS fuel factor proceeding 13 in Docket No. 51625, the rate case expenses for which were reviewed in part in 14 Docket No. 51802 and the trailing costs for which are being review in this docket. 15 I am a member (i.e., the equivalent of a partner) of Clark Hill, PLC, have over four 16 decades of utility law and litigation experience, and provided expert witness 17 testimony on external rate case expenses in the last comprehensive SPS rate case, 18 Docket No. 51802. The consultant with Utility Credit Consultancy, LLC is the 19 founder and principal of that consulting firm, has over three decades of utility credit 20analytical experience, and provided expert witness testimony on credit ratings in 21 the last comprehensive SPS rate case, Docket No. 51802. In other words, those 22 professionals with hourly rates above \$550 all have extensive expertise, in general

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and direct experience, with SPS rate cases in particular, enhancing their ability to
 provide effective and efficient services for the utility.

3 As I indicated in my direct testimony (at page 20), there can be and is 4 variation in the hourly rates that professional firms charge for working on rate cases, as well as variation in hourly rates over time. It is generally known that the 5 6 last two years have seen historically significant price inflation in the "post-COVID" 7 economy. Ms. Jackson does not mention, and thus presumably did not consider, 8 the fact that hourly rates typically escalate over time, or the existence of the recent 9 historic inflation. The proposed \$550 hourly rate cap has been proposed by PUC 10 Staff for about a decade, yet there has been annual economic inflation over that 11 period of time, as well as escalations over time in professional fees. As a result, the proposed \$550 hourly rate cap is not only arbitrary and inconsistent with the 12 13 governing standards for rate case expense recovery, as discussed later, it is also 14 exceedingly stale and thus even more irrelevant.

Q. Is there other information available which further supports the
reasonableness of the hourly rates above \$550?

17 A. Yes. Commission Staff's Second Request for Information ("RFF") to SPS 18 requested an affidavit by each professional including lawyers stating that the rate 19 charged is the normal hourly billing rate charged by the professional, is comparable 20 to the hourly rate charged by other professionals for similar services provided to 21 other Texas utilities, and is the normal hourly billing rate or in some cases a 22 discounted rate compared to those charged by the professional for services to

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SOAH Docket No. 473-23-14020 PUC Docket No. 54634 non-regulated entities; SPS responded with the requested affidavits.<sup>5</sup> Attachment
TKA-RR-R1 provides the affidavits of the firms on which she seeks to impose a
rate cap. Ms. Jackson does not mention, and thus presumably did not consider, the
specific affidavit information regarding the professional service fees which SPS has
and is incurring in this case. Instead, it appears that she applies on an arbitrary basis
an across-the-board rate cap based solely on whether the rate is above \$550 per
hour, without any other considerations.

8 Similarly, that same Commission Staff Second RFI to SPS requested an 9 explanation of SPS's selection procedure for consultants, including how it assures 10 itself that the rate charged does not exceed the consultant's normal hourly billing 11 rate, and is comparable to the rates charged by comparable consultants for similar 12 services provided to other Texas utilities; SPS responded with the requested explanations, including with respect to legal counsel.<sup>6</sup> My direct testimony (at p. 13 10) also addresses how SPS manages its rate case expenses, referencing the detailed 14 15 description of it in prior cases, and the current use of that process with regard to the 16 costs being incurred and under review in this case. Again, Ms. Jackson does not 17 mention, and thus presumably did not consider, that specific information regarding the professional service fees which SPS has and is incurring in this case. As a 18 19 result, it again appears that she applies on an arbitrary basis an across-the-board

https://interchange.puc.texas.gov/search/documents/?controlNumber=54634&itemNumber=130,

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<sup>&</sup>lt;sup>5</sup> SPS's Response to Commission Staff's 2d RFI, Question No. 2-3 & Exh. SPS-Staff 2-3 (May 18, 2023), available at:

<sup>&</sup>lt;sup>6</sup> SPS's Response to Commission Staff's 2d RFI, Question No. 2-10 (May 18, 2023), available at: <u>https://interchange.pue.texas.gov/search/documents/?controlNumber=54634&itemNumber=130</u>.

rate cap based solely on whether the rate is above \$550 per hour, without any other
 considerations.

Q. What is your conclusion regarding what SPS has provided that makes Staff's
reliance on the SWEPCO case not appropriate?

5 A. In this case, SPS has set forth evidence regarding such matters as the nature, extent, 6 and difficulty of the work, the time and labor required, the nature and scope of the 7 rate case, and whether the fees paid were extreme or excessive.<sup>7</sup>

8 Specifically, the SPS situation involves comprehensive, nearly 9 simultaneous rate cases in Texas and New Mexico, and six other more limited rate 10 cases in Texas. As described above, there are only a limited number of professional 11 firms able and available to provide the necessary rate case services to SPS, and 12 many of them have prior direct experience with SPS's prior rate cases making their 13 work more effective and efficient. All of those professionals who have hourly rates in excess of \$550 have worked on prior SPS matters and are senior professionals, 14 15 such as law firm partners. Moreover, the outside expert witness testimony supporting the reasonableness from other PUC rate cases in which the upper range 16 17 of hourly rates were \$600 to \$800-plus further supports the hourly rates requested 18 for recovery in this proceeding. In my opinion, in light of the circumstances I have 19 described in this rebuttal testimony and in my direct and update testimonies in this case, the bourly rates charged to SPS are reasonable and not extreme or excessive. 20

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<sup>&</sup>lt;sup>7</sup> 16 TAC § 25,245(b) & (c).

1		That includes the rates in excess of \$550 by a handful of senior and very
2		experienced professionals.
3		As a result, unlike in the SWEPCO case, SPS has provided the necessary
4		demonstration that the hourly rates for its outside professionals should not be
5		subject to an across-the board hourly rate cap.
6	Q.	What is the second reason for your disagreement with Ms. Jackson's
7		recommendation?
8	Α.	The PUC Staff's proposed across-the-board hourly rate cap is not only arbitrary but
9		inconsistent with the governing standards for rate case expense recovery.
10		Under Public Utility Regulatory Act ("PURA") § 36.051 and § 36.061(b),
11		as well as under the rate case expense rule in 16 Tex. Admin. Code ("TAC")
12		§ 25.245, the governing principle is that the utility is entitled to recover the
13		reasonable rate case expenses it incurs in light of the evidentiary standards and
14		specific criteria for the review and determination of the reasonableness of rate case
15		expenses under the Commission's Substantive Rule § 25.245. A cap that is not
16		based on the evidence regarding the necessity and reasonableness of the specific
17		rate case expenses fails to address the necessity and reasonableness of those
18		expenses and is inconsistent with the governing standards regarding rate case
19		expense recovery under PURA and the Commission's rate case expense rule.
20		The reasonableness of professional fees, whether above or below \$550 per
21		hour, must be reviewed and determined on a case-by-case basis. The Commission's
22		Substantive Rule § 25.245 requires the evaluation of each utility's individual rate

1	case expenses given the context of the utility's request and the myriad of factors
2	that are different for each utility's application. There is not a single hourly rate that
3	is the only reasonable rate under PURA and the Commission's Substantive Rule
4	§ 25.245 – instead, there is a range of reasonableness for hourly rates depending on
5	the circumstances, such as the nature of the rate case and the qualifications and
6	experience of the specific attorneys or consultants.
7	Ms. Jackson does not provide any testimony or supporting information to
8	try to show that the professionals charging more than \$550 per hour were
9	individually unreasonable. She simply imposes an across-the-board cap of \$550
10	regardless of the individual's experience or qualifications, or the needs of the utility
11	in the particular rate proceeding. This fails to comply with the case-by-case
12	evaluation that Commission Substantive Rule § 25.245 requires.
13	Indeed, in the SWEPCO rate case on which Ms. Jackson relied, the
14	Commission found that SWEPCO had not met its burden of proof to show the
15	reasonableness of law firm hourly rates in excess of \$550 based on the facts in that
16	particular case. <sup>8</sup> The Proposal for Decision in that case makes this clear:
17 18 19 20 21 22 23 24 25	The [Administrative Law Judges] find that Staff's proposed \$550 per-hour cap on hourly rates sought for recovery as [rate case expenses] <i>in this case</i> is reasonable and supported by the record in this case. The [Administrative Law Judges], however, are <i>not</i> <i>recommending that a hard \$550 per-hour cap should apply in all</i> <i>future cases</i> for two primary reasons. First, at some point in the future, hourly rates in excess of \$550 per hour may not be deemed excessive, and instead might be deemed reasonable, <i>depending on</i> <i>the then-existing circumstances, such as the economy, inflation, or</i>
25 26	any other number of factors Second, there may be instances

<sup>8</sup> Docket No. 51415, Order at Finding of Fact No. 308.

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1 2 3		in the near term, not present here, where an electric utility could justify a request to recover in excess of \$550 per hour from its customers. <sup>9</sup>
4		Accordingly, an across-the-board rate cap as proposed by Staff in this case
5		is not only inconsistent with what Commission Substantive Rule § 25.245 requires,
6		it is also not consistent with the SWEPCO decision which declined to adopt "a hard
7		\$550 per-hour cap should apply in all future cases." <sup>10</sup>
8		Finally, not only did the SWEPCO decision not adopt an across-the-board
9		hourly rate cap in all cases, the Commission in Substantive Rule § 25.245 did not
10		adopt an hourly rate cap even though the possibility was raised in the rulemaking
11		proceeding which led to the adoption of that rule in 2014. <sup>11</sup> For an across-the-board
12		rate cap to be included in Commission Substantive Rule § 25.245, the rule would
13		need to be amended in accordance with the notice and comment process required
14		by law for rulemaking proceedings, which would then allow interested persons
15		from across the electric industry to participate in that discussion.
16	Q.	What is the third reason for your disagreement with Ms. Jackson's
17		recommendation?
18	Α.	Ms. Jackson quotes two of the findings of fact in the SWEPCO case regarding an
19		Office of the Attorney General of Texas ("OAG") memorandum from 2016 and an

<sup>&</sup>lt;sup>9</sup> Docket No. 51415, Proposal for Decision at p. 330 (Aug. 27, 2021) (emphasis added).

 $<sup>^{10}</sup>$  Id.

<sup>&</sup>lt;sup>11</sup> Compare Rulemaking to Propose New Substantive Rule §25.245, Relating to Recovery of Expenses for Ratemaking Proceedings, Project No. 41622, Memorandum at 2 (Oct. 18, 2013) (discussing comments in response to a Staff question about the possibility of imposing caps on hourly rates), available at <a href="https://interchange.pnc.texas.gov/search/documents/?controlNnmber=41622&itemNunber=33">https://interchange.pnc.texas.gov/search/documents/?controlNnmber=41622&itemNunber=33</a>, with 16 TAC § 25.245 (no rate cap included in the rule) and Order Adopting New §25.245 as Approved at the July 10, 2014 Open Meeting. Project No. 41622 (Aug. 6, 2014) (no rate cap adopted in the rule), available at <a href="https://interchange.pnc.texas.gov/search/documents/?controlNunber=41622&itemNunber=71">https://interchange.pnc.texas.gov/search/documents/?controlNunber=41622&itemNunber=33</a>, with 16 TAC § 25.245 (no rate cap included in the rule) and Order Adopting New §25.245 as Approved at the July 10, 2014 Open Meeting. Project No. 41622 (Aug. 6, 2014) (no rate cap adopted in the rule), available at <a href="https://interchange.pnc.texas.gov/search/documents/?controlNunber=41622&itemNunber=71">https://interchange.pnc.texas.gov/search/documents/?controlNunber=41622&itemNunber=71</a>.

Ί	update thereto in 2019, <sup>12</sup> and then attaches a further OAG update from July 2023,
2	regarding the retention of outside legal services provided to state agencies and
3	educational bodies.
4	The OAG guidance, as updated through 2023, does not impose a cap on the
5	hourly rate for such legal services. It instead allows for rates in excess of \$525 per
6	hour with the express approval by the OAG when requested and appropriate. In
7	other words, the OAG memorandum simply establishes a process for when state
8	agencies and educational bodies should seek attorney hourly rate approval from the
9	OAG.
10	As a result, the OAG guidance is not a basis on which to impose any across-
11	the-board rate cap in this case.
12	Finally, the Commission itself has engaged outside professionals on an
13	hourly rate basis, and those arrangements have included the payment of hourly rates
14	in excess of \$550.13 It is inconsistent and arbitrary for the Commission to engage
15	outside professionals at hourly rates in excess of \$550, on the one hand, and cap
16	the hourly rates paid by utilities to outside professionals in utility rate cases to no
17	more than \$550, on the other hand.

<sup>&</sup>lt;sup>12</sup> Docket No. 51415, Order at Finding of Fact Nos. 306 & 307.

<sup>&</sup>lt;sup>13</sup> Commission Staff's Response to SPS's 2nd RFI, Question No. 2-7 and Exh. SPS-Staff 2-7(CONF) at pdf pp. 1, 96 (Aug. 22, 2023); *Application of Southwestern Public Service Company to Change Rates*, Docket No. 51802, Commission Staff's Response to SPS's 2nd RFI, Question No. 2-10 and Exh. SPS-Staff 2-10 at pdf p. 59 (Aug. 31, 2021), available at:

https://interchange.puc.texas.gov/search/documents/?controiNumber=51802&itemNumber=504.

# Q. What is the fourth reason for your disagreement with Ms. Jackson's recommendation?

A. Ms. Jackson recommends her total rate cap adjustment based on her Attachment
VJ-9, which lists those whose hourly rates exceed \$550 and calculates her total
adjustment based on her application of a \$550 hourly rate cap thereon. However,
aside from the fact that there should be no across-the-board hourly rate cap applied
in this case, her attachment has two calculation errors.

8 The first calculation error is that she lists on Attachment VJ-9 pages 21 and 9 22 the Hinkle Shanor LLP law firm twice, once with the "individual's name" as 10 "NMGRT" for \$655.86 and once with the "individual's name" as "Other" for 11 \$588.53. NMGRT stands for New Mexico Gross Receipts Tax. As the relevant 12 invoice information provided in Attachment MKK-RR-R6 to Dr. Knapp's rebuttal 13 testimony shows, the "Other" is also for the NMGRT. That state tax is imposed on the Hinkle Shanor LLP law firm for all legal services the law firm provides, due to 14 15 its location in New Mexico, even if the legal services are for activities in Texas or 16 other states. In other words, the two Hinkle Shanor LLP charges in Ms. Jackson's 17 Attachment VJ-9 are not hourly rates for an individual lawyer, they are instead for a state services tax on the law firm's invoiced amount. 18

The other calculation error is for Utility Credit Consultancy, LLC, also on Attachment VJ-9 pages 21 and 22. Her calculations treat three months of services as if there was one hour of service rendered in each such month, when in fact there were multiple hours that were provided in each month at an hourly rate of \$625, as documented in Attachment MKK-RR-R6 to Dr. Knapp's rebuttal testimony. As a

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1	result, her application of a \$550 cap overstates her proposed adjustment. Instead,
2	while there should be no adjustment based on a rate cap, if a \$550 rate cap were to
3	be applied, the \$14,532 total charged would be adjusted by \$1,744 instead of her
4	proposed adjustment of \$12,882.

1		IV. <u>DELOITTE PAYMENT</u>
2	Q.	OPUC witness Ms. Cannady, on pages 28-30 of her direct testimony,
3		recommends disallowing the payment to Deloitte for an accounting review of
4		financial information in the rate filing package in this case. How do you
5		rcspond?
6	Α.	I disagree with that recommendation for two reasons.
7	Q.	What is the first reason for your disagreement with Ms. Cannady's
8		recommendation?
9	Α.	Ms. Cannady recommends the disallowance on the basis of a misunderstanding.
10		She asserts that, as a result of the Rate Filing Package Schedule S waiver which
11		was granted to SPS in Docket No. 53286, <sup>14</sup> Deloitte's accounting review in this
12		case resulted in unnecessary rate case expenses. She describes what Deloitte did in
13		this case as "the performance of Schedule S activities." <sup>15</sup>
14		However, Deloitte's accounting review in this case was not the same as that
15		necessary for the filing of a Rate Filing Package Schedule S. It was instead a much
16		more limited independent accounting review, as explained in pages 93-95 of the
17		direct testimony of SPS witness Nicole L. Doyle.

<sup>&</sup>lt;sup>14</sup> Application of Southwestern Public Service Company for Waiver of Rate Filing Package Schedule S, Docket No. 53286, Notice of Approval at 4 (Jun. 22, 2022), available at:

https://interchange.pnc.texas.gov/Documents/53286\_13\_1217297.PDF.

<sup>&</sup>lt;sup>15</sup> Direct Testimony of Constance T. Cannady at 29 (Aug. 4, 2023).

1	More importantly, that limited independent accounting review was
2	something the SPS application for waiver indicated would be done in lieu of the
3	full review associated with the filing of a Schedule S:
4	SPS submits that an independent review at the level of the
5	Schedule S requirements would result in unnecessary expense for
6	SPS's customers Further, SPS plans to engage its independent
7	accountants to review key schedules containing financial
8	information to validate accuracy of those schedules consistent with
9	SPS's books and records. <sup>16</sup>
10	
11	Finally, in cases where SPS has received a waiver from the
12	requirements to file Schedule S, it has continued to engage its
13	independent accountants to provide a limited review of certain
14	financial schedules to verify consistency with SPS's books and
15	<i>records.</i> The performance of the agreed-upon procedures in these
16	cases does not include the full scope of procedures listed in the
17	instructions for Schedule S and therefore result in significantly
18	lower rate case expenses for SPS's customers. However, the
19	procedures do provide an increased level of review of the financial
20	amounts included in SPS application. <sup>17</sup>
21	Indeed, part of the basis for the waiver application was the fact that the filing
22	of a Schedule S and the full accounting review necessary to do so was the fact that
23	in the last base rate case, Docket No. 51802, "the independent review cost
24	approximately \$583,000 after SPS negotiated a customer-benefitting flat fee
25	arrangement with its auditor."18 The \$583,000 cost of that level of review was
26	expressly recognized in the approval of the waiver application. <sup>19</sup>

 $<sup>^{16}</sup>$  Id., Application at p. 5 (Feb. 25, 2022) (emphasis added), available at:

https://interchange.puc.texas.gov/Documents/53286\_1\_1190152.PDF.

<sup>&</sup>lt;sup>17</sup> Id, at p. 6 (emphasis added).

<sup>&</sup>lt;sup>18</sup> *Id.* at p. 5.

<sup>&</sup>lt;sup>19</sup> Id., Notice of Approval at Finding of Fact No. 13.

1		In contrast, in this case, the limited independent review by Deloitte cost was
2		\$225,000, or approximately 38% of the full Schedule S independent review cost.
3		Therefore, in keeping with the waiver application as approved, SPS proceeded
4		without filing a Schedule S, and therefore without incurring the cost which the full
5		independent review at the level required for the filing of a Schedule S would entail.
6		Instead, SPS incurred the limited amount of cost associated with the more limited
7		independent review consistent with the wavier application.
8	Q.	What is the second reason for your disagreement with Ms. Cannady's
9		recommendation?
10	Α.	Despite the benefits of the limited independent accounting review as described by
11		Ms. Doyle in her direct testimony, benefits which Ms. Cannady does not dispute,
12		Ms. Cannady nevertheless contends that any review no matter how limited is
13		unnecessary and thus should not be recoverable simply because the Schedule S
<b>1</b> 4		waiver was granted.
15		However, the approved waiver was from the requirement to file Schedule S
16		itself <sup>20</sup> – that in turn simply obviated the need to do the full Schedule S level of
17		review. Nothing in the waiver approval indicates that any lesser form of review
18		was not to be performed. Indeed, as described above, it would have been
19		inconsistent with the terms of SPS's waiver application not to have a limited review
20		performed.

 $<sup>^{20}</sup>$   $\,$  Id., Notice of Approval at Finding of Fact No. 14, Conclusion of Law No. 6, and Ordering Paragraph No. 1,

1	Moreover, SPS had previously been granted a waiver from filing Schedule
2	S, it had a similar limited independent accounting review performed in the rate case
3	by the same accounting firm, and the cost of that limited review was not disallowed
4	in that rate case. <sup>21</sup>
5	Furthermore, if SPS had not had the limited review performed in this case,
6	OPUC or other parties might have argued that SPS should have done a limited
7	review and should somehow be penalized for not doing so, since SPS indicated in
8	its waiver application that a limited review would be performed.
9	Accordingly, SPS did exactly what it said it would do if its waiver request
10	for this case was approved, consistent with its prior rate case experience, and Ms.
11	Cannady's recommended disallowance of the payment to Deloitte should be
12	rejected.

<sup>&</sup>lt;sup>21</sup> Application of Southwestern Electric Power Company for Authority to Change Rates, Docket No. 49831, SOAH Order No. 2 at pp. 3-4 (Sept. 6, 2019) (granting Rate Filing Package Schedule S waiver request), available at <u>https://interchange.puc.texas.gov/Documents/49831\_82\_1032969.PDF;</u> *id.*, Rebuttal Testimony of William A Grant Attachment WAG-RR-R3 (Mar. 11, 2020) (Deloitte limited accounting review cost of \$250,000 included as part of the requested recovery of rate case expenses), available at <u>https://interchange.puc.texas.gov/scarch/documents/?controlNumber=49831&itemNumber=692;</u> *id.*, Order at Finding of Fact Nos. 109 - 111 (Aug. 27, 2020) (approving settlement which excluded certain rate case expenses costs but not the Deloitte limited audit expense), available at <u>https://interchange.puc.texas.gov/Documents/49831\_799\_1082982.PDF</u>.

1		V. <u>CONCLUSION</u>
2	Q.	What is your recommendation as a result of your rebuttal testimony?
3	Α.	My recommendation to the Commission is that it approve recovery of the amount
4		SPS has requested in external rate case expenses consistent with the rebuttal
5		testimony of SPS witness Dr. Knapp.
6	Q.	Does this conclude your rebuttal testimony in this case?
7	Α.	Yes, it does.

# AFFIDAVIT OF THOMAS K, ANSON

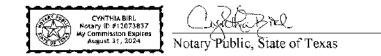
THE STATE OF TEXAS	)
COUNTY OF TRAVIS	)

This day, Thomas K. Anson, the affiant, appeared in person before me, a notary public, who knows the affiant to be the person whose signature appears below. The affiant stated under oath:

"My name is Thomas K. Anson. I am of legal age and a resident of the State of Texas. The foregoing testimony is offered by me is true and correct, and the opinions stated therein are, to the best of my knowledge and belief, accurate, true, and correct."

Thomas K. Anson

SUBSCRIBED AND SWORN TO BEFORE ME, notary public, on this the day of August, 2023. 21



25

Rebuttal Testimony of Thomas K. Anson

# CERTIFICATE OF SERVICE

I certify that on the 25th day of August 2023, notice of the filing of the foregoing update testimony with the PUCT was served on all parties of record by electronic service and was posted to SPS's file sharing platform.

26

/s/ Amy M. Shelhamer

Rebuttal Testimony of Thomas K. Anson

Attachment TKA-RR-R1

Page 1 of 4 Docket No. 54634

Southwestern Public Service Company

Allidavits of Attorneys and Consultants

# SOAH DOCKET NO. 473-23-14020 DOCKET NO. 54634

# APPLICATION OF SOUTHWESTERN §BEFORE THE STATE OFFICEPUBLIC SERVICE COMPANY FOR §OFAUTHORITY TO CHANGE RATES §ADMINISTRATIVE HEARINGS

# **AFFIDAVIT OF JEFFREY B. STUART**

STATE OF TEXAS	)
	)
COUNTY OF TRAVIS	)

Jeffrey B. Stuart, first being sworn on his oath, states:

- 1. My name is Jeffrey B. Stuart. I am over eighteen years of age and am competent to testify to the statements in this affidavit, all of which are within my personal knowledge.
- 2. I am employed by Eversheds Sutherland (US) LLP ("Eversheds") as a Partner. My business address is Eversheds Sutherland (US) LLP, 600 Congress Avenue, Suite 2000, Austin, Texas 78701. Southwestern Public Service Company retained Eversheds to assist it in presenting its case in Public Utility Commission of Texas Docket Nos. 51802, 52451, and 54634.
- 3. I make this affidavit to respond to Staff's Second Request for Information, Question No. Staff 2-3, in Docket No. 54634.
- 4. For work performed in Docket Nos. 51802, 52451, and 54634, Eversheds charges rates that range from \$170 to \$805 per hour. These rates are discounted and are lower than the hourly billing rates charged to non-regulated entities. To the best of my knowledge, these hourly billing rates are comparable to the hourly rates charged by other law firms to other Texas utilities for similar services.

Subscribed to and sworn before me, the undersigned notary public, by Jeffrey B. Stuart, whom I know personally, on (2 of April 2023).



All'idavits of Attorneys and Consultants

Attachment TKA-RR-R1 Page 2 of 4 Docket No. 54634

# SOAH DOCKET NO. 473-23-14020 DOCKET NO. 54634

# APPLICATION OF SOUTHWESTERN§BEFORE THE STATE OFFICE OFPUBLIC SERVICE COMPANY FOR§AUTHORITY TO CHANGE RATES§ADMINISTRATIVE HEARINGS

# AFFIDAVIT OF THOMAS K. ANSON

STATE OF TEXAS	)
	)
COUNTY OF TRAVIS	)

Thomas K. Anson, first being sworn on his oath, states:

- 1. My name is Thomas K. Anson. I am over eighteen years of age and am competent to testify to make this affidavit. The statements contained in this affidavit are true and correct, and are based upon my personal knowledge.
- 2. I am a member at the law firm of Clark Hill PLC ("Clark Hill"). My business address is 720 Brazos Street, Suite 700, Austin, Texas 78701. Southwestern Public Service Company retained Clark Hill with regard to Public Utility Commission of Texas Docket No. 54634.
- 3. I make this affidavit to respond to Staff's Second Request for Information, Question No. Staff 2-3, in Docket No. 54634.
- 4. For work performed by me in Docket No. 54634, Clark Hill charges rates that are discounted and are lower than hourly billing rates charged to non-regulated entities. To my knowledge, the hourly billing rate that I charge in Docket No. 54634 is comparable to hourly rates currently charged by other law firms to other Texas utilities for similar services.

There the Russe

Thomas K. Anson

Subscribed to and sworn before me, the undersigned notary public, by Thomas K. Anson, whom I know personally, on the 3<sup>rd</sup> of April, 2023.



CLARKIIILL\K2481\446851\271146704.v1-4/3/23

All'idavits of Attorneys and Consultants

Attachment TKA-RR-R1 Page 3 of 4 Docket No. 54634

# SOAH DOCKET NO. 473-23-14020 DOCKET NO. 54634

# APPLICATION OF SOUTHWESTERN§BEFORE THE STATE OFFICE OFPUBLIC SERVICE COMPANY FOR§AUTHORITY TO CHANGE RATES§AUTHORITY TO CHANGE RATES§

## AFFIDAVIT OF TODD A. SHIPMAN

STATE OF NORTH CAROLINA	)
(AT DITUL OF OUT TOP -	)
COUNTY OF GUILFORD	)

Todd A. Shipman, first being sworn on his oath, states:

- 1. My name is Todd A. Shipman. I am over eighteen years of age. If called as a witness, am competent to testify to the statements in this affidavit, all of which are within my personal knowledge.
- 2. I am self-employed as an economic and financial consultant on public utility issues. My business address is 51 Woodsneck Road, Orleans, Massachusetts 02653. Southwestern Public Service Company retained me to assist it in presenting its case in Public Utility Commission of Texas Docket No. 54634.
- 3. I make this affidavit to respond to Staff's Second Request for Information, Question No. Staff 2-3, in Docket No. 54634.
- 4. For work performed by me in Docket No. 54634, the hourly rate is \$625. This is the standard hourly billing rate for rate regulated utilities for the types of services provided in Docket No. 54634, which is discounted from the rate charged to non-utility clients. To my knowledge, the rate that I charge in Docket No. 54634 is comparable to the hourly rate charged by other professionals for similar services provided to other Texas/utilities.

Todd A. Shipman

Subscribed to and sworn the fore me, the undersigned notary public, by fodd A. Shipman, whom I know personally, on  $\frac{1}{2}$  of April 2023.

R. DAVID GUISE NOTARY PUBLIC **Guliford County** North Carplina, My Commission Expires/\_

Notary Public State of Massachusetts

All'idavits of Attorneys and Consultants

Attachment TKA-RR-R1 Page 4 of 4 Docket No. 54634

# SOAH DOCKET NO. 473-23-14020 **DOCKET NO. 54634**

#### **BEFORE THE STATE OFFICE OF APPLICATION OF SOUTHWESTERN §** PUBLIC SERVICE COMPANY FOR § § ADMINISTRATIVE HEARINGS AUTHORITY TO CHANGE RATES

# AFFIDAVIT OF ANDREA MOORE STOVER

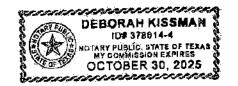
STATE OF TEXAS COUNTY OF TRAVIS

Andrea Moore Stover, first being sworn on his oath, states:

- 1. My name is Andrea Moore Stover. I am over eighteen years of age. If called as a witness, am competent to testify to the statements in this affidavit, all of which are within my personal knowledge.
- 2. I am employed by Baker Botts L.L.P. as a partner. My business address is 401 South 1<sup>st</sup> Street, Suite 1300, Austin, Texas 78704. Southwestern Public Service Company retained me/Baker Botts L.L.P. to assist it in presenting its case in Public Utility Commission of Texas ("Commission") Docket No. 54634.
- 3. I make this affidavit to respond to Staffs Fifth Request for Information, Question No. Staff 2-3, in Docket No. 54634.
- 4. For work performed by Baker Botts L.L.P. for Docket Nos. 51625, 51665, 52210, and 53034 the hourly rates range from \$315 per hour to \$675 per hour. These rates are at or below the standard bourly billing rates charged by the Baker Botts L.L.P. to its clients, whether they are rate regulated entities such a public utilities or non-regulated entities, for the types of services provided in those dockets. To my knowledge, the rate charged in each of the matters that Baker Botts L.L.P. represents SPS before the Commission is comparable to the hourly rate charged by other professionals for similar services provided to other Texas utilities.

Andrea Moore Stover

Subscribed to and sworn before me, the undersigned notary public, by Andrea Moore Stover, whom I know personally, on  $\frac{1}{6}$  of April 2023.



Notary Public State of Texas

Attachment TKA-RR-R1

Page 1 of 4 Docket No. 54634

Southwestern Public Service Company

Allidavits of Attorneys and Consultants

# SOAH DOCKET NO. 473-23-14020 DOCKET NO. 54634

# APPLICATION OF SOUTHWESTERN §BEFORE THE STATE OFFICEPUBLIC SERVICE COMPANY FOR §OFAUTHORITY TO CHANGE RATES§ADMINISTRATIVE HEARINGS

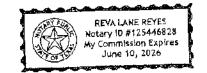
# **AFFIDAVIT OF JEFFREY B. STUART**

STATE OF TEXAS	)
	)
COUNTY OF TRAVIS	)

Jeffrey B. Stuart, first being sworn on his oath, states:

- 1. My name is Jeffrey B. Stuart. I am over eighteen years of age and am competent to testify to the statements in this affidavit, all of which are within my personal knowledge.
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- 3. I make this affidavit to respond to Staff's Second Request for Information, Question No. Staff 2-3, in Docket No. 54634.
- 4. For work performed in Docket Nos. 51802, 52451, and 54634, Eversheds charges rates that range from \$170 to \$805 per hour. These rates are discounted and are lower than the hourly billing rates charged to non-regulated entities. To the best of my knowledge, these hourly billing rates are comparable to the hourly rates charged by other law firms to other Texas utilities for similar services.

Subscribed to and sworn before me, the undersigned notary public, by Jeffrey B. Stuart, whom I know personally, on  $(\underline{A})$  of April 2023.



All'idavits of Attorneys and Consultants

Attachment TKA-RR-R1 Page 2 of 4 Docket No. 54634

# SOAH DOCKET NO. 473-23-14020 DOCKET NO. 54634

# APPLICATION OF SOUTHWESTERN§BEFORE THE STATE OFFICE OFPUBLIC SERVICE COMPANY FOR§AUTHORITY TO CHANGE RATES§ADMINISTRATIVE HEARINGS

# AFFIDAVIT OF THOMAS K. ANSON

STATE OF TEXAS	)
	)
COUNTY OF TRAVIS	)

Thomas K. Anson, first being sworn on his oath, states:

- 1. My name is Thomas K. Anson. I am over eighteen years of age and am competent to testify to make this affidavit. The statements contained in this affidavit are true and correct, and are based upon my personal knowledge.
- 2. I am a member at the law firm of Clark Hill PLC ("Clark Hill"). My business address is 720 Brazos Street, Suite 700, Austin, Texas 78701. Southwestern Public Service Company retained Clark Hill with regard to Public Utility Commission of Texas Docket No. 54634.
- 3. I make this affidavit to respond to Staff's Second Request for Information, Question No. Staff 2-3, in Docket No. 54634.
- 4. For work performed by me in Docket No. 54634, Clark Hill charges rates that are discounted and are lower than hourly billing rates charged to non-regulated entities. To my knowledge, the hourly billing rate that I charge in Docket No. 54634 is comparable to hourly rates currently charged by other law firms to other Texas utilities for similar services.

There the Russe

Thomas K. Anson

Subscribed to and sworn before me, the undersigned notary public, by Thomas K. Anson, whom I know personally, on the 3<sup>rd</sup> of April, 2023.



CLARKIIILL\K2481\446851\271146704.v1-4/3/23

All'idavits of Attorneys and Consultants

Attachment TKA-RR-R1 Page 3 of 4 Docket No. 54634

# SOAH DOCKET NO. 473-23-14020 DOCKET NO. 54634

APPLICATION OF SOUTHWESTERN§BEFORE THE STATE OFFICE OFPUBLIC SERVICE COMPANY FOR§AUTHORITY TO CHANGE RATES§ADMINISTRATIVE HEARINGS

## AFFIDAVIT OF TODD A. SHIPMAN

STATE OF NORTH CAROLINA	)
COUNTY OF GUILFORD	)
COSITI OF COLLIVIED	)

Todd A. Shipman, first being sworn on his oath, states:

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Todd A. Shipman

Subscribed to and sworn the fore me, the undersigned notary public, by fodd A. Shipman, whom I know personally, on  $\frac{1}{2}$  of April 2023.

R. DAVID GUISE NOTARY PUBLIC **Guliford County** North Carplina, My Commission Expires/\_

Notary Public State of Massachusetts

All'idavits of Attorneys and Consultants

Attachment TKA-RR-R1 Page 4 of 4 Docket No. 54634

# SOAH DOCKET NO. 473-23-14020 **DOCKET NO. 54634**

#### **BEFORE THE STATE OFFICE OF APPLICATION OF SOUTHWESTERN §** PUBLIC SERVICE COMPANY FOR § § ADMINISTRATIVE HEARINGS AUTHORITY TO CHANGE RATES

# AFFIDAVIT OF ANDREA MOORE STOVER

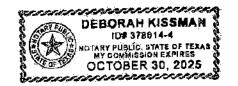
STATE OF TEXAS COUNTY OF TRAVIS

Andrea Moore Stover, first being sworn on his oath, states:

- 1. My name is Andrea Moore Stover. I am over eighteen years of age. If called as a witness, am competent to testify to the statements in this affidavit, all of which are within my personal knowledge.
- 2. I am employed by Baker Botts L.L.P. as a partner. My business address is 401 South 1<sup>st</sup> Street, Suite 1300, Austin, Texas 78704. Southwestern Public Service Company retained me/Baker Botts L.L.P. to assist it in presenting its case in Public Utility Commission of Texas ("Commission") Docket No. 54634.
- 3. I make this affidavit to respond to Staffs Fifth Request for Information, Question No. Staff 2-3, in Docket No. 54634.
- 4. For work performed by Baker Botts L.L.P. for Docket Nos. 51625, 51665, 52210, and 53034 the hourly rates range from \$315 per hour to \$675 per hour. These rates are at or below the standard bourly billing rates charged by the Baker Botts L.L.P. to its clients, whether they are rate regulated entities such a public utilities or non-regulated entities, for the types of services provided in those dockets. To my knowledge, the rate charged in each of the matters that Baker Botts L.L.P. represents SPS before the Commission is comparable to the hourly rate charged by other professionals for similar services provided to other Texas utilities.

Andrea Moore Stover

Subscribed to and sworn before me, the undersigned notary public, by Andrea Moore Stover, whom I know personally, on  $\frac{1}{6}$  of April 2023.



Notary Public State of Texas

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 553 of 1387

# LEGAL EXPENSES FOR DOCKET NO. 52210

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 554 of 1387

# BAKER BOTTS 11.P

TAX ID 74-1195457

Xeel Energy Services, Inc. Attn: Ms. Deb Meuwissen 414 Nicollet Mall, 5th Floor Minneapolis, MN 55401-1927 Austin Brussels Dallas Dubai San Francisco Houston London

New York Palo Alto

Washington

Riyadh

Invoice Number: Invoice Date: Attorney:

24005126 October 19, 2022 A M Stover

Total fees for services and expenses for the matter shown below through September 30, 2022

# 062940.0163

2021 SPS Fuel Surcharge

<u>Date</u> 09/21/22	<u>Name</u> B C Lynch	Hours 0.3	<u>Task</u> C100	<b>Description</b> Reviewed status of remand and corresponded with ALJ's assistant regarding same.
09/23/22	L <b>J L</b> ill	0.3	C400	Conferenced and corresponded with Commission Staff concerning proposed order.
09/23/22	17 <b>1 1</b> 944	0.3	C100	Reviewed SOAH remand order and corresponded with SPS team concerning same.
09/23/22	B C Lynch	0.3	C100	Reviewed PUC Docket and corresponded with ALJ's assistant and others regarding proposed order.
09/23/22	A M Stover	0.2	C100	Reviewed and analyzed order remanding to Commission from SOAH.
Matter Ho	urs	1.4		
Matter Fee	s	\$645.00		

BAKER BOTTS ILLP

 Invoice No:
 24005126

 Invoice Date:
 October 19, 2022

 Matter:
 062940.0163

XCEL Energy 2021 SPS Fuel Surcharge

	2022 Lawyer Summary		
Timekeeper	HOURS	RATE	<u>AMOUNT</u>
L J Lill	0.6	535.00	321.00
A M Stover	0.2	675.00	135.00
	0.8		\$456.00
	2022 Non-Lawyer Summary		

<u>Timekeeper</u>	HOURS	RATE	AMOUNT
B C Lynch	0.6	315.00	189.00
	0.6		\$189.00

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 556 of 1387



TAX ID 74-1195457

New York Palo Alto Austin Brussels Dallas Dubai Houston London

Riyadh San Francisco Washington

Xcel Energy Services, Inc.		Due Upon Receipt
Attn: Ms. Deb Meuwissen		
414 Nicollet Mall, 5th Floor	Invoice Number:	24005126
Minneapolis, MN 55401-1927	Invoice Date:	October 19, 2022
	Matter Number:	062940.0163

# **REMITTANCE STATEMENT**

Matter Number:	062940.0163	
Client:	XCEL Energy	
Matter:	2021 SPS Fuel Surcharge	
Invoice Number:	24005126	
Billing Attorney:	A M Stover	
Office:	Austin	
	Total Fees	\$645.00
	Total Expenses	\$0.00
	-	

# TO ENSURE PROPER APPLICATION OF YOUR PAYMENT PLEASE RETURN THIS REMITTANCE ADVICE OR EMAIL TO ARHOUSTON@BAKERBOTTS.COM

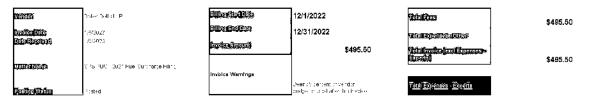
Please Remit to:	Wiring Instructions	ACH In
	Baker Botts L.L.P.	Baker B
	Bank: JP Morgan Chase Bank	Bank: Jl
	Address: 712 Main Street, Houston, TX 77002	Address
	ABA Number: 021 000 021	Routing
	Swift Code: CHASUS33	Primary
	Primary Account: 001 0000 2006	(Referen
	(Reference Invoice Number)	

### nformution: Botts L.L.P. JP Morgan Chase Bank s: 712 Main Street, Houston, TX 77002 g Number: 111-000-614 y Account: 001 0000 2006 ence Invoice Number)

To Pay by Check, send to: Baker Botts L.L.P. P.O. Box 301251 Dallas, TX 75303-1251 (Reference Invoice Number)

## Docket 52210

## Invoice 24005602 - Date Received 1/6/23



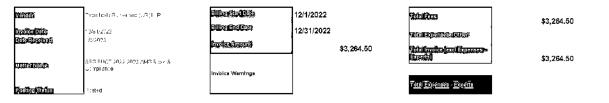
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SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 558 of 1387

# LEGAL EXPENSES FOR DOCKET NO. 52451

## Docket XE-22-19497

## Invoice 1232165 - Date Received 1/6/23



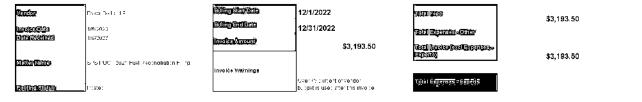
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SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 560 of 1387

# LEGAL EXPENSES FOR DOCKET NO. 53034

# Docket 53034

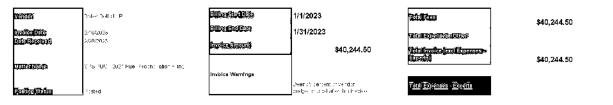
### Invoice 24005598 - Date Received 1/6/23



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## Docket 53034

### Invoice 24005 1 A - Date Received 2/20/23



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SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 564 of 1387

# LEGAL EXPENSES FOR DOCKET NO. 54634 JANUARY 2023

# Docket XE-22-18991

### Invoice 1232164 - Date Received 1/6/23

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#### Invoice 22 1 - Date Received 1/3/23

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#### Invoice 31 612 - Date Received 1/1 /23

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235002	9 2/ 0/2022	-a:*	411 Fatt Witnesses		Huss, Fu	For civate in call regarding cowtestimony		450.00	0.50	0.00	0.00	<b>\$</b> 225.00
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#### Invoice 35 140 - Date Received 1/6/23

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SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 572 of 1387

# EMPLOYEE EXPENSES FOR MEALS DOCKET NO. 54634 JANUARY 2023

From: To: Subject: Date:	Uber Receipts Cunningham, Jeremiah W [Xcel Energy] Your Wednesday evening trip with Uber Thursday, January 12, 2023 5:44:47 AM		
EXTER	NAL - STOP & THINK before opening links and attach	ments.	
		Total \$17.93 January 11, 2023	
	Thanks for riding, Jeremiah		
	We hope you enjoyed your ride this evening.	<u>10</u>	
	Total	\$17.93	
	Trip fare	\$15.83	
	Subtotal	\$15.83	
	Booking Fee	\$1.91	
	Texas Regulatory Recovery Fee	\$0.19	
	Payments Visa ••••0420 1/12/23 5:44 AM Download PDF	\$17.93	

	You rode with Ama	dou	
	4.97 Rating	Has passed a multi-step sa	fety screen
	Rate or tip 🔲	nunities right now. Say thanks your trips are insured in case	
	UberXL 2.73 miles   23	min	
	6:48 PM 103 E 10th St, Austri 78701, US 7:12 PM 440 W 2nd St, Austri 78701, US		
Report I	ost item   C	Contact support	My trîps
	4		
Forgot pa	ssword		

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 575 of 1387

Privacy

Terms

Uber Technologies 1515 3rd Street San Francisco, CA 94158

#### Cunningham, Jeremiah W

From:	Jimmy John's <orders@jimmyjohns.com></orders@jimmyjohns.com>
Sent:	Saturday, January 21, 2023 11:44 AM
To:	Cunningham, Jeremiah W
Subject:	Your Jimmy John's Online Order is confirmed!

#### E TERNA - STOP T IN before opening links and attachments.



#### T AN OU FOR OUR ON INE ORDER

If you have any questions regarding your order, please do not hesitate to contact us at 806-803-9070, and reference your order confirmation number 15672294959775745.

Order Num er	15672294959775745
Store In ormation	JJ3905 790 South Buchanan Street Amarillo , 79101 806-803-9070
Scheduled	As Soon As Possible
For	Pickup
	Thanks for your order!
Contact	Jeremiah Cunningham

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 577 of 1387

18064208989 Jeremiah.W.Cunningham@xcelenergy.com

	ITEM	EAC	PRICE
1	ORI INA COMBO	11.00	\$11.00
	FOR: Jeremiah		
	SELECTIONS: #3 TOTALLY TUNA®, Cut in half, EZ Cucumber, No Tomato, EZ Jimmy Peppers®, EZ Oil & Vinegar, EZ Oregano-Basil, EZ Sliced Pickles, Regular Jimmy Chips®, Large Fountain Diet Coke® (30oz)		

~

\$11.00	Subtotal:
\$0.0	TAX
\$11. 0	Total:
(\$11.0)	Credit Card Visa x-0420:





Please do not reply to this email. It is not a monitored email address

## Uber

January 28, 2023

### Thanks for tipping, Jeremiah

Here's your updated receipt for It's Just Wings (3810 I-40 West).

Total	\$22.14
1 11 Boneless Wings Combo Choese your wing flavor Garlie Farmesan (mild) - A classic favorite \$0.00 Beverage Coke Zero® \$0.00	\$13.00
Subtotal	\$13.00
Tax	\$1.07
Service Fee	\$2.08
Delivery Fee	\$2.99
Delivery person tip	\$3.00
Payments	
visa ••••0420	\$19.14
1/28/23 12:49 PM	φ19.1 <del>4</del>
Visa ••••0420	\$3.00
1/28/23 1:49 PM	φ3.00

You ordered from It's Just Wings (3810 I-40 West)

Picked up from

Delivered to

3810 W Interstate 40, Amarillo, TX 79102, US

790 S Buchanan St, Amarillo, TX 79101-2522, US

 From:
 Jimmy John"s

 To:
 Cunningham. Jeremiah W

 Subject:
 Your Jimmy John"s Online Order is confirmed!

 Date:
 Monday, January 30, 2023 11:03:36 AM

### EXTERNAL - STOP & THINK before opening links and attachments.

### 12

#### THANK YOU FOR YOUR ONLINE ORDER

If you have any questions regarding your order, please do not hesitate to contact us at 806-803-9070, and reference your order confirmation number 15880374856990720.

#### Order Number: 15880374856990720

Store Information:	JJ3905 790 South Buchanan Street Amarillo , 79101 806-803-9070
Scheduled:	As Soon As Possible
For:	Pickup
	Thanks for your order!
Contact:	Jeremiah Cunningham

18064208989 Jeremiah.W.Cunningham@xcelenergy.com

	ITEM	EACH	PRICE
1	ORIGINAL COMBO	11.00	\$11.00
	FOR: Jeremiah		
	SELECTIONS: #3 TOTALLY TUNA®, Cut in half, EZ Cucumber, No Tomato, EZ Jimmy Peppers®, EZ Oil & Vinegar, EZ Oregano-Basil, EZ Sliced Pickles, Regular Jimmy Chips®, Large Fountain Diet Coke® (30oz)		

\$11.00	Subtotal:
\$0.90	TAX
\$11.90	Total:
(\$11.90)	Credit Card Visa x-0420:

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 580 of 1387



Please do not reply to this email. It is not a monitored email address

## Uber

January 30, 2023

### Thanks for tipping, Jeremiah

Here's your updated receipt for Thai Arawan.

Tota	al	\$19.64
Choose	Kai Satay se your size	\$5.00
Half S( <sup>1</sup> B(	3000 Beef Jerky with Sticky Rice	\$8.00
Subtot	otal	\$13.00
Tax		\$1.07
Service	ce Fee	\$2.08
Deliver	ery Fee	\$0.49
Deliver	ery person tip	\$3.00
Payn	ments	
VISA	Visa0420	\$16.64
	1/30/23 7:25 PM	\$10.04
VISA	Visa ••••0420	\$3.00
	1/30/23 8:25 PM	\$3.00

You ordered from Thai Arawan

Picked up from

2813 W Interstate 40, Amarillo, TX 79109, US

Delivered to

790 S Buchanan St, Amarillo, TX 79101-2522, US

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 582 of 1387

		EMBASSY SUITES AUSTIN-DOWNTOWN
		300 S. CONGRESS
	EMBASSY	AUSTIN, TX 78704
	SULTES	United States of America
	by Hilton <sup>+</sup>	TELEPHONE 512-469-9000 • FAX
		Reservations
		www.embassysuites.com or 1 800 EMBASSY
CUNNINGHAM, JEREMIAH	Room No:	806/NKSQG
	Arrival Date:	1/11/2023 1:17:00 PM
2231 LAUREL STREET STREET	Departure Date	: 1/13/2023 7:19:00 AM
	Adult/Child:	1/0
AMARILLO TX 79109	Cashier ID:	RPATTON2
UNITED STATES OF AMERICA	Room Rate:	201.74
	AL:	
	HH #	542268743 DIAMOND
	VAT #	
	Folio No/Che	1102233 A

Confirmation Number: 93786821

EMBASSY SUITES AUSTIN-DOWNTOWN 1/13/2023 7:19:00 AM

DATE	REF NO	DESCRIPTION	CHARGES
1/11/2023	6046056	GUEST ROOM	\$201.74
1/11/2023	6046056	STATE OCCUPANCY TAX	<b>\$12</b> .10
1/11/2023	6046056	CITY OCCUPANCY TAX	\$22.19
1/12/2023	6046182	MARKET PLACE #5010	\$4.87
1/12/2023	6046718	GUEST ROOM	\$201.74
1/12/2023	6046718	STATE OCCUPANCY TAX	<b>\$12</b> .10
1/12/2023	6046718	CITY OCCUPANCY TAX	\$22.19
1/13/2023	6046832	MARKET PLACE #5070	S4.87
1/13/2023	6046833	VS *0420	(\$481.80)
		"BALANCE"	\$0.00

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Thank you for staying with us. Visit embassysuites.com for more information on hotel packages, subscribe to our E-nnouncements newsletter, or plan your next stay at close to 200 destinations.

CREDIT CARD DETAIL
APPR CODE
CARD NUMBER
TRANSACTION ID

065044 ∀S \*0420 6046833

MERCHANT ID EXP DATE TRANS TYPE 50035-6170 ID 2454 10/24 Sale SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 583 of 1387

# EMPLOYEE EXPENSES FOR HOTELS DOCKET NO. 54634 JANUARY 2023

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 584 of 1387

		EMBASSY SUITES AUSTIN-DOWNTOWN
		300 S. CONGRESS
	EMBASSY	AUSTIN, TX 78704
	SUITES	United States of America
	by Hilton*	TELEPHONE 512-469-9000 • FAX
		Reservations
		www.embassysuites.com or 1 800 EMBASSY
CUNNINGHAM, JEREMIAH	Room No:	806/NKSQG
	Arrival Date:	1/11/2023 1:17:00 PM
2231 LAUREL STREET STREET	Departure Date:	1/13/2023 7:19:00 AM
	Adult/Child:	1/0
AMARILLO TX 79109	Cashier ID:	RPATTON2
UNITED STATES OF AMERICA	Room Rate:	201.74
	AL:	
	HH #	542268743 DIAMOND
	VAT #	
	Folio No/Che	1102233 A

Confirmation Number: 93786821

EMBASSY SUITES AUSTIN-DOWNTOWN 1/13/2023 7:19:00 AM

DATE	REF NO	DESCRIPTION	CHARGES
1/11/2023	6046056	GUEST ROOM	\$201.74
1/11/2023	6046056	STATE OCCUPANCY TAX	<b>\$12</b> .10
1/11/2023	6046056	CITY OCCUPANCY TAX	\$22.19
1/12/2023	6046182	MARKET PLACE #5010	\$4.87
1/12/2023	6046718	GUEST ROOM	\$201.74
1/12/2023	6046718	STATE OCCUPANCY TAX	<b>\$12</b> .10
1/12/2023	6046718	CITY OCCUPANCY TAX	\$22.19
1/13/2023	6046832	MARKET PLACE #5070	S4.87
1/13/2023	6046833	VS *0420	(\$481.80)
		"BALANCE"	\$0.00

Hitton Honors(R) stays are posted within 72 hours of checkout. To check your earnings or book your next stay at more than 6,500+ hotels and resorts in 119 countries, please visit Honors.com

Thank you for staying with us. Visit embassysuites.com for more information on hotel packages, subscribe to our E-nnouncements newsletter, or plan your next stay at close to 200 destinations.

CREDIT CARD DETAIL
APPR CODE
CARD NUMBER
TRANSACTION ID

065044 VS \*0420 6046833

MERCHANT ID EXP DATE TRANS TYPE 50035-6170 ID 2454 10/24 Sale SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 585 of 1387

# EMPLOYEE EXPENSES FOR AIR TRAVEL DOCKET NO. 54634 JANUARY 2023

### Cunningham, Jeremiah W

From:	SouthwestAirlines@wifi.southwest.com
Sent:	Wednesday, January 11, 2023 9:05 AM
To:	Cunningham, Jeremiah W
Subject:	Southwest Airlines Internet Purchase Receipt

You don't often get email from southwestairlines@wifi.southwest.com. Learn why this is important

EXTERNAL - STOP & THINK before opening links and attachments.

<b>?</b>	Internet Purchase	
Hi, Jeremiał	1	
	r your recent inflight internet purchase. We hope	staying
connected fr	om gate to gate helped make the most of your tim	le
onboard. We	know you have choices when you fly and we app	preciate
lhat you cho	se Southwest. We look forward to welcoming you	onboard
again soon.		
Thanks agai	3,	
Your friends	at Southwest Airlines	
To provide f	edback on your inflight Internet experience, pleas	se <u>take</u>
our survey	ou can also contact us via phone, email, or in-ap	p live
chat		
PURCHAS	D	WIFI
CUSTOME	Jeremiah Cuni	ningham
DATE:	01/11/2023 9:03 AM	(Central)
FLIGHT NU	MBER:	WN150

SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 587 of 1387

DESTINATION: AMOUNT: PAYMENT TYPE: Austin (AUS) \$8.00

VISA ending 0420

www.southwest.com | Contact Us



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Created 1/6/2023 3:42 PM CST





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For a single calendar entry click here

Travel Itinerary Agency Booking Confirmation Number: JQLK1W

Passenger Names							
UNNINGHAM/JEREMIAH W							
Executive Travel Office hrs. Mon-Fri 7am-6pm Phone: (402) 417-7577 / (844) 330-9275							
Southwest Airlines - Flight Nu	mber 150					Confirmation: 2CXC5E	
Departure: Wed, 01/11/2023 6:50 AM Departure City: Amarillo, TX (AMA) Departing Terminal: Status: Confirmed Miles: 412	Arrival Arrival	Arrival: Wed, 01/11/2023 8:25 AM Arrival City: Austin, TX (AUS) Arrival Terminal: Class of Service: O - Economy			Equipment: 7M8 Travel Time: 1 hour(s) 35 minute(s) Add flight to Galendar Baggage Info		
Seat Assignments: SOUTHWEST AIRCINES CONFIRMATION	NUMBER 2CXC5	E					
Embassy Suites						Confirmation: 93786821	
ES AUSTIN DOWNTOWN 300 South Congress Avenue Austin TX 78704 US Phone: 1-512-4809000 Fax: 1-512-4809164 Check-In Date: Wed, 01/11/2023 Location: Membership Number: 542268743 Status: Confirmed Reserved For: CUNNINGHAM/JEREMIAH Per night rate may not include all taxes an ES24582ARE11JAN CXL-8 DAY CANCEL	Numbe Approx MR Id/or additional fee			1	Cost per night: 20 Length of stay: 2 i Add hotel to Calen View Map	nights(s)	
HOTEL MEMBERSHIP NUMBER 542268 HOTEL REQUIRES ADVANCE NOTIFICAT Special Instructions: NONSMOKINGEAR Southwest Airlines - Flight Nu	ION TO CANCEL I LYCHC	HOTEL RESER	VATION			Confirmation: 2CXC5E	
Departure: Frl, 01/13/2023 7:50 PM Departure City: Austin, TX (AUS) Departing Terminal: Status: Confirmed Miles: 412	Arrival: Fri, 01/13/2023 9:20 PM Arrival City: Amarillo, TX (AMA) Arrival Terminal: Class of Service: N - Economy				Equipment: 73W Travel Time: 1 hour(s) 30 minute(s) Add flight to Calendar Baggage Info		
Seat Assignments: SOUTHWEST AIRLINES CONFIRMATION	NUMBER 2CXC5	E					
Invoice Detail							
	Base	Tax	GST	HST	QST		
Name: CUNNINGHAM/JEREMIAH W Southwest Airlines Ticket: 5267859813621 Invoice Number: 321986045 Amount: \$410.95 Charged to Visa Ending in: 0420	354.58	56.39	0.00	0.00	0.00	Amount: \$410.9	
Professional Fee: 8900834467212	0.00	0.00	0.00	0.00	0.00	Amount \$9 0	
Amount: \$9.00 Charged to Visa Ending in: 0420							
Totals:	354.56	56.39	0.00	0.00	0.00		
Approximate cost per air mile 0.50						Total Fare:USD \$419.95	

#### Frequent Flyer Info

Southwest Airlines 388330574

#### **General Remarks**

THIS RESERVATION WAS BOOKED IN CONCUR TRAVEL BY TRAVELER - JEREMIAH CUNNINGHAM 806-378-2430

Government issued picture I.D. is required.

Boarding pass must be issued before proceeding to security checkpoints. We highly recommend reconfirming all flights directly with the carrier prior to departure.

Check <u>Viewtrip</u> to view your most current itinerary or ETicket receipt online. Be sure to <u>check our website</u> for additional travel resources and information. Baggage Allowance and fees vary by carrier. Please <u>visit this link</u> to view the latest Baggage Allowance information for your flights.

Please review all passenger names, dates, and schedules of the following itinerary.

Adjustments may be made within 24 hours of ticketing. Adjustments after 24 hours of ticketing may require additional fees from vendors. Please contact us immediately if anything below needs to be adjusted. Thank you for your business! SOAH Docket NO. 473-24-13232 PUC Docket No. 56211 IBEW RFI01-03 Billing Rate Ranges AG Directive and Case Law- M Reynolds Page 590 of 1387

# EMPLOYEE EXPENSES FOR PARKING DOCKET NO. 54634 JANUARY 2023

		TAILWIND CONCE: Tailwind Amaril 10801 Airport Amarillo, 1X 7	io (ANA) Bivd			
		01/11/2023 6:05 am Order: 936912 Name: Outick Sale Server: Janne	Check: 1			
		Card Type: Visa Card Number: 0420 Auth Code: 058575 Ref No: 301112601512		TAILWIND CONCESSIONS Tailwind Amarillo (AMA) 10801 Airport Blvd Amarillo, TX 79111		
		TranType: Sale Entry: Contactless		#86		
	eipt	Check Total	4.32	Opened: 01/11/2023 6:05 am Closed: 01/11/2023 6:05 am Order: 936912 Order Type: *Post Cafe	Check: 1	
871410011322262023		Charge Amount	4.32	Name: Guick Sale Server: Janne		
Amarillo Airport		<b>1</b>		1 Pepsi Loro	3,99	
10801 Airport Bivd Amarillo, IX 7911 806-335-1921 Thank vou for using		$\frac{1}{10} \frac{1}{5.32}$		Subtotal Sales Tax	3.99 0.33	
Amarillo Internationa	ıl	Total 5.50		Total	4.32	
FeeComputer Number: 3 Entry Time: 1/11/2023			-	Visa 0420 (058575)	4.32	
Fwith Time. 1/13/2023 Duration 2d 16h 39m	3 10:26 PM	X	**************************************	Balance Due	0.00	
Op: Leslie Non-resetable tr #: 504687 Tran: 8714 Ticket Mumber: 60343				We would love to hear from you! Compliments, Questions, Concerns? - Flease contact us - Info@TailwindConcessions.com 1-866-578-7355		
Garage Rate New	\$ 36.00				41 時島地道1 月数4 10歳5	
Total: Visa Last 4 Digits;	\$ 36.00 \$ 35.00 0420	4 (改臣)( 者以414度 (第1要用 11(18 章))(著 48)(章) [[[[[[]]]]]	1991 9191966 (1991 1991) 1991 - 1992			

596

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and the second of the second second second second second second second second second second second second second

## EMPLOYEE EXPENSES FOR TAXIS DOCKET NO. 54634 JANUARY 2023

om: ; bject: ;te:	<u>er ecel s</u> <u>Cunningham, Jeremiah W</u> cel nergy Your Wednesday morning n i h er Wednesday, January 11, 2023-6: :1 M	
EXTER	NAL - STOP & THINK before opening links and attachr	nents.
		Total \$27.63 January 11, 2023
	Thanks for tipping, Jeremiah	
	Here's your updated Wednesday morning ride receipt.	
	Total	\$27.63
	Trip fare	\$18.23
	Subtotal	\$18.23
	Booking Fee	\$3.06
	Airport Surcharge	\$2.50
	Tips	\$3.60
	Texas Regulatory Recovery Fee	\$0.24
	Payments	
	Visa ••••0420 1/11/23 6:54 PM	\$27.63

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When you ride with accident. Learn more	Jber, your trips are in	sured in case of a cover	ed
UberX         7.99 miles           10:20 AM         3819 Presiden           Austin, TX, US         10:36 AM           919 Congress         TX 78701, US	tial Blvd, S Ave, Austin,		
Report lost item	Contact support	My trips	
Forgot password	Ub	er Technologies	