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APPLICATION OF CENTERPOINT	§	BEFORE THE STATE OFFICE
ENERGY HOUSTON ELECTRIC, LLC	§	
FOR APPROVAL OF ITS 2026-2028	§	OF
TRANSMISSION AND DISTRIBUTION	§	
SYSTEM RESILIENCY PLAN	§	ADMINISTRATIVE HEARINGS

Houston Coalition of Cities' (HCC) Objection to
CenterPoint Energy Houston Electric, LLC's First Request for Information 1-6 and 1-7

Houston Coalition of Cities (HCC), files this Objection to CenterPoint Energy Houston Electric, LLC's ("CEHE") First Request for Information. CEHE filed the RFI on April 11, 2024 and HCC made good faith efforts to negotiate with CEHE prior to filing these Objections. Pursuant to the procedural schedule, these Objections are timely filed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April 2025, a true and correct copy of the foregoing document was served upon on all parties of record by email, facsimile and/or First Class Mail in Docket 57579.

By: /s/ Alton J. Hall, Jr.
Alton J. Hall, Jr.

REQUEST NO. CEHE-HCC-1-6

QUESTION:

For each city that is participating in the intervention of Houston Coalition of Cities, please provide the following:

- a. any ordinance, resolution, agreement, or other document authorizing the city to intervene in this proceeding;
- b. the name and title of each city official that reviewed CenterPoint Houston's SRP;
- c. the name and title of each city official that reviewed the direct testimony of Mr. Ivey in this proceeding; and
- d. the name and title of each city official that reviewed the direct testimony of Mr. Mara in this proceeding.

Objection:

HCC objects to this request because it is irrelevant pursuant to 16 Texas Administrative Code (TAC) 22.141(a), "Parties may obtain discovery regarding any matter, not privileged, or exempted under the Texas Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule, that is relevant to the subject matter in the proceeding." Additionally, Texas Rules of Civil Procedure 193(a) states, "In general, a party may obtain discovery regarding any matter that is not privileged and is relevant to the subject matter of the pending action..." The Supreme Court of Texas has also held that discovery cannot be used as a fishing expedition, instead requests should only include matters relevant to this case. *In re Am. Optical Corp.*, 988 S.W. 2d at 713 (Tex. 1998); see also *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996).

In CEHE HCC 1-6 (a-d), CEHE requests HCC to provide documents authorizing the city to intervene, the names and titles of each city official that reviewed CEHE's SRP, and the names and title of each city official that reviewed the direct testimony of Mr. Ivey and Mr. Mara. However, the information sought is wholly irrelevant since the subject matter in this proceeding is CEHE's SRP. A showing of authorization to intervene nor the listing of the city officials who reviewed the SRP or direct testimony is relevant to the evaluation and content of CEHE's SRP. The request is also overbroad and a fishing expedition because it is an attempt to question the authorization of HCC.

Next, CEHE had the opportunity to object or respond to HCC's Motion to Intervene under 16 TAC 22.77(b), but CEHE did not file any objection or response prior to the admission of HCC as intervenors. As such, CEHE's request regarding authorization of intervention is irrelevant, unnecessary, and untimely.

Further, most of the information requested in CEHE-HCC-1-6 is privileged. Texas Rules of Evidence 503(b)(1)(A) specifically states, "A client has a privilege to refuse or disclose and prevent any other person from disclosing confidential communications made to facilitate the rendition of professional legal services to the client: between the client or the client's representative and the client's lawyer or the lawyer's representative..." The request seeks documents authorizing HCC to intervene in this proceeding and a list of officials who reviewed Mr. Ivey and Mr. Mara's testimony. One way that HCC obtains authorization to intervene in this proceeding and reviews testimonies is through emails between HCC's counsel and a representative from each city. Therefore, the

information sought falls under client communications, is privileged, and cannot be obtained by a party pursuant to 16 TAC 22.141(a). As such, the purpose of CEHE's request is nothing more than harassment.

REQUEST NO. CEHE-HCC-1-7

QUESTION:

With reference to the direct testimony of Mr. Ivey and Mr. Mara, please identify each city official and any personnel from a city's office of emergency management or similar body (other than outside counsel representing a city) with whom Mr. Ivey and/or Mr. Mara personally met, spoke, or otherwise communicated to discuss that city's views on CenterPoint Houston's SRP or appropriate resiliency measures for that city and provide the date of each such meeting, conversation, or communication.

OBJECTION:

HCC objects to this request because it is irrelevant pursuant to 16 Texas Administrative Code (TAC) 22.141(a), "Parties may obtain discovery regarding any matter, not privileged, or exempted under the Texas Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule, that is relevant to the subject matter in the proceeding." Additionally, Texas Rules of Civil Procedure 193(a) states, "In general, a party may obtain discovery regarding any matter that is not privileged and is relevant to the subject matter of the pending action..." The Supreme Court of Texas has also held that discovery cannot be used as a fishing expedition, instead requests should only include matters relevant to this case. *In re Am. Optical Corp.*, 988 S.W. 2d at 713 (Tex. 1998); see also *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996). The request is also overly broad. The broad scope is restricted by the subject matter of the case and the reasonable expectation of obtaining information that will aid in resolving the dispute. See *In re CSX Corp.*, 124 S.W.3d 149, 152 (Tex. 2003, orig. proceeding); see also *In re Am. Optical Corp.*, 988 S.W.2d at 713.

In CEHE HCC 1-7, CEHE requests HCC to identify each city official and personnel with whom Mr. Ivey and Mr. Mara communicated to discuss the city's views on CEHE's SRP. The information sought is not relevant to the evaluation and content of CEHE's SRP and will not aid in resolving the dispute. Instead, it is a fishing expedition and an intrusive inquiry of the city's conversations and process. As such, the purpose of CEHE's request is nothing more than harassment.