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**SOAH DOCKET NO. 473-25-11558
PUC DOCKET NO. 57579**

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

**OBJECTIONS OF GULF COAST COALITION OF CITIES' TO CENTERPOINT
ENERGY HOUSTON ELECTRIC, LLC'S FIRST REQUEST FOR INFORMATION**

Gulf Coast Coalition of Cities (GCCC) files this Objection to CenterPoint Energy Houston Electric, LLC's (CenterPoint) First Request for Information (RFI). CenterPoint filed the RFI on April 11, 2025, and GCCC made diligent and good faith efforts to negotiate with CenterPoint prior to filing these Objections.¹ Pursuant to 16 Texas Administrative Code (TAC) § 22.144(d), these Objections are timely filed.

I. PROCEDURAL HISTORY

CenterPoint filed its Application for Approval of a System Resiliency Plan on January 31, 2025.² GCCC filed a motion to intervene in this proceeding on February 3, 2025.³ CenterPoint, nor any other party in the proceeding, objected to GCCC's request for intervention and the Administrative Law Judge (ALJ) admitted GCCC as a party to the proceeding at the prehearing conference held on February 18, 2025.⁴ CenterPoint is now requesting information regarding the authorization of GCCC's intervention and participation in the proceeding. CenterPoint had the ability to object to GCCC's intervention but failed to do so. Requesting information related to GCCC's authorization for participation is irrelevant to the subject matter of the proceeding, and untimely.

More importantly, these questions are targeted solely towards city groups. The only parties that were asked questions regarding their authorization to participate in the proceeding were

¹ 16 Tex. Admin. Code § 22.144(d).

² Application of CenterPoint Energy Houston Electric, LLC for Approval of its 2026-2028 Transmission and Distribution System Resiliency Plan (Jan. 31, 2025).

³ Gulf Coast Coalition of Cities' Motion to Intervene (Feb. 3, 2025).

⁴ SOAH Order No. 2 – Memorializing Prehearing Conference; Granting Motions to Intervene; Adopting Agreed Procedural Schedule; Setting Hearing on the Merits; and Providing Pre- and Post-Hearing Requirements (Feb. 28, 2025).

GCCC, Houston Coalition of Cities, and Texas Coast Utilities Coalition. No other intervenors, including other coalition intervenors, were asked similar questions regarding the attorney's authority to represent their clients.

CEHE GCCC 1-4(a)-(c) and CEHE GCCC 1-9 do not seek relevant information regarding GCCC's positions on the reasonableness of CenterPoint's System Resiliency Plan. Instead, the focus of CenterPoint's questions is the authorization of GCCC to intervene and participate in the proceeding, and how GCCC chooses to represent its clients. This line of questioning improperly probes GCCC's attorneys' ethical duty to represent their clients and has nothing to do with the merits of the case or GCCC's testimony. GCCC, therefore, objects to the RFIs as irrelevant and harassing. GCCC respectfully requests the ALJ sustain the objections below.

II. OBJECTIONS

Gulf Coast Coalition of Cities objects to the following RFI:

CEHE GCCC 1-4: For each city that is participating in the intervention of Gulf Coast 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 System Resiliency Plan (SRP);**
- c. the name and title of each city official that reviewed the direct testimony of Mr. Nalepa in this proceeding.**

Objection:

GCCC 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." Further, the Texas Rules of Civil Procedure (TRCP) Rule 192.3(a) states, "a party may obtain discovery regarding any matter that is not privileged and is relevant to the subject matter of the pending action..." This 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.⁵ Moreover, evidence is relevant if it has any tendency to make a fact of consequence more or less probable than it would be without the

⁵ 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 711,713 (Tex. 1998).

evidence; and the fact is of consequence in determining the action.⁶ The Supreme Court of Texas has established that discovery may not be used as a fishing expedition, and instead requests should only include matters relevant to the case.⁷

In CEHE GCCC 1-4(a)-(c), CenterPoint requests that GCCC provide GCCC's client authorization documentation, names of city officials who have reviewed CenterPoint's System Resiliency Plan, and the names of city officials who have reviewed the direct testimony of GCCC's witness, Karl Nalepa. The subject matter and dispute of this proceeding is the approval of CenterPoint's System Resiliency Plan, and the evaluation by intervening parties of the reasonableness of the System Resiliency Plan. A showing of authorization to participate is not, nor is the listing of city officials who have reviewed the filed System Resiliency Plan or GCCC's consultant's direct testimony, relevant to the content and evaluation of CenterPoint's System Resiliency Plan. Obtaining this information does not aid in the resolution of the dispute, the reasonableness of CenterPoint's System Resiliency plan, nor does it make any fact of consequence more or less probable than it would be without the information requested.

Instead, CenterPoint's request for information is overbroad, harassing, and a fishing expedition attempting to question the legitimacy and authorization of GCCC to participate. GCCC is a standing coalition of cities that has participated in and continues to participate in CenterPoint's comprehensive and interim rate case proceedings, as well as various other proceedings at the Public Utility Commission of Texas that impact GCCC's cities. There is no reason to request this information unless CenterPoint seeks to obtain further information regarding GCCC's authorization to participate in the proceeding and undermine GCCC's attorneys' legitimacy and scope of participation. This information is wholly irrelevant to the subject matter. Additionally, requesting information regarding who reviewed CenterPoint's System Resiliency Plan and consultant Karl Nalepa's testimony, is irrelevant to the proceeding as it focuses on how GCCC manages the proceeding and represents their clients. Thus, authorization of GCCC to intervene, and whether city officials reviewed the System Resiliency Plan and/or GCCC's consultant's testimony is not relevant and will not help resolve the dispute.

⁶ Tex. R. Evid. 401.

⁷ See *In re Am. Optical Corp.*, 988 S.W.2d at 713; see also *K Mart Corp. v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996).

As discussed above, only intervening city coalitions were asked these questions. Even though other intervenor attorneys represent multiple clients and are active participants in this proceeding, CenterPoint did not request information regarding their authorization to intervene. This constitutes harassment as it questions the legitimacy and authorization of city coalition attorneys to participate in the proceeding and whether those attorneys are abiding by their clients' requests. CenterPoint's requests are simply seeking a way to undermine GCCC's attorneys' and question their ethical obligations to their clients and do nothing to further resolve the dispute.

Moreover, portions of the information requested in CEHE GCCC 1-4(a) are privileged material. Specifically, the requested information contains client communications which are privileged under the Texas Rules of Evidence (TRE) Rule 503(b)(1)(A). TRE Rule 503(b)(1)(A) specifically states, "A client has a privilege to refuse to disclose and to 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..." Additionally, under TRCP Rule 193.3(c), "...a party may withhold a privileged communication to or from a lawyer or lawyer's representative or a privileged document of a lawyer or a lawyer's representative...concerning the litigation in which the discovery is requested or required." CEHE GCCC 1-4(a) requests "documents" authorizing GCCC to intervene on behalf of a city in this proceeding. GCCC often obtains authorization from a city to intervene in this proceeding through email or phone communication between GCCC counsel and a representative from that city. Thus, the "documents" authorizing intervention are client communications rendering legal services to the client, a city's representative, and the client's lawyers, and are thus protected under TRE Rule 503(b)(1)(A) and cannot be obtained by a party pursuant to 16 TAC § 22.141(a). Further, a city's communication with GCCC's attorneys regarding the city's interest in and extent of GCCC's participation in CenterPoint's System Resiliency Plan proceeding is directly concerning the litigation of this proceeding and is therefore privileged pursuant to TRCP Rule 193.3(c).

Lastly, pursuant to 16 TAC § 22.77(b), CenterPoint had the ability to respond to and/or object to parties' Motions to Intervene. However, CenterPoint filed no responsive pleading prior to the ALJ admitting GCCC as intervenors at the Prehearing Conference. Thus, CenterPoint's request for information regarding documents authorizing intervention in the matter is not only

irrelevant to the subject matter of CenterPoint's System Resiliency Plan application but is untimely.

CEHE GCCC 1-9: With reference to the direct testimony of Mr. Nalepa in this docket, 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. Nalepa 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:

GCCC objects to this request because it is irrelevant pursuant to 16 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." Further, the TCRP Rule 192.3(a) states, "a party may obtain discovery regarding any matter that is not privileged and is relevant to the subject matter of the pending action..." This 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.⁸ Moreover, evidence is relevant if it has any tendency to make a fact of consequence more or less probable than it would be without the evidence; and the fact is of consequence in determining the action.⁹

CenterPoint requests information pertaining to discussions between GCCC's consultant, Karl Nalepa, and GCCC's clients. Cities obtained GCCC attorneys to represent them and their city's interests. This representation includes the hiring of expert witnesses to evaluate the reasonableness of CenterPoint's System Resiliency Plan. Requests for information regarding whether Mr. Nalepa spoke with a city official and on what date this discussion occurred are wholly irrelevant to the subject matter of the proceeding. The subject matter and dispute of this proceeding is the approval of CenterPoint's System Resiliency Plan, and the evaluation by intervening parties on the reasonableness of the System Resiliency Plan. This information would not aid in resolving the dispute, nor would it make a fact of consequence more or less probable. Having information that there was or was not a discussion between Mr. Nalepa and a city official would not resolve

⁸ See *In re CSY Corp.*, 124 S.W.3d 149,152 (Tex. 2003, orig. proceeding); see also *In re Am. Optical Corp.*, 988 S.W.2d 711,713 (Tex. 1998).

⁹ Tex. R. Evid. 401.

the issue as to whether CenterPoint's System Resiliency Plan is reasonable and should or should not be approved.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, GCCC requests this objection be sustained and GCCC be relieved of responding to this RFI. GCCC also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

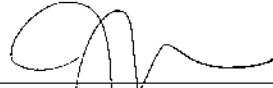
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**ATTORNEYS FOR GULF COAST
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 21, 2025, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN