

Control Number: 25931



Item Number: 11

Addendum StartPage: 0

RECEIVED

TEXAS-NEW MEXICO POWER
COMPANY'S APPLICATION FOR
FINDINGS ON PROPOSED EWG
STATUS

§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS
02 JUN 28 PM 2:47
FILING CLERK

TEXAS INDUSTRIAL ENERGY CONSUMERS' MOTION TO INTERVENE

Texas Industrial Energy Consumers ("TIEC"), pursuant to the Public Utility Regulatory Act ("PURA"), Tex. Util. Code Ann. §§ 11.001 et seq., and §§ 22.102, 22.103(b), and 22.104 of the Commission's Rules of Practice and Procedures, files this Motion to Intervene in the above-referenced proceeding, respectfully showing as follows:

1. The name, address, and telephone number of the movant is:
Texas Industrial Energy Consumers
c/o Mr. Wade Worthy
Marathon Ashland Petroleum, LLC
P.O. Box 3128
Houston, TX 77253-3128
(713) 296-3790
(713) 513-1300 Fax
2. The name, address, and telephone number of TIEC's authorized representative is:
Mr. Phillip Oldham
Andrews & Kurth
Mayor, Day, Caldwell & Keeton, L.L.P.
111 Congress Avenue, Suite 1700
Austin, Texas 78701
(512) 320-9200
(512) 320-9292 Fax

All pleadings and other documents should be served upon TIEC's authorized representative.

3. The Public Utility Commission of Texas ("Commission") has jurisdiction over the parties and the subject matter pursuant to PURA § 14.001 and 18 C.F.R. § 365.3.

4. The names, addresses, and telephone numbers of Texas-New Mexico Power Company's ("TNMP") authorized legal representatives in this proceeding are:

Mr. Louis S. Zimmerman
Ms. Lisa D. Hardie
Fulbright & Jaworski, L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201
(512) 320-4598 Fax

Mr. Michael Blanchard
Texas-New Mexico Power Company
4100 International Plaza
Tower Two, 9th Floor
Fort Worth, Texas 76109
(817) 731-0099
(817) 737-1333 Fax

5. TIEC is an association of industrial consumers of electricity, and TIEC's principal purpose is to address electricity matters in proceedings before the Commission. TIEC members participating in this case include Marathon Ashland Petroleum, LLC. A complete list of all TIEC members participating in this docket will be provided as soon as possible.

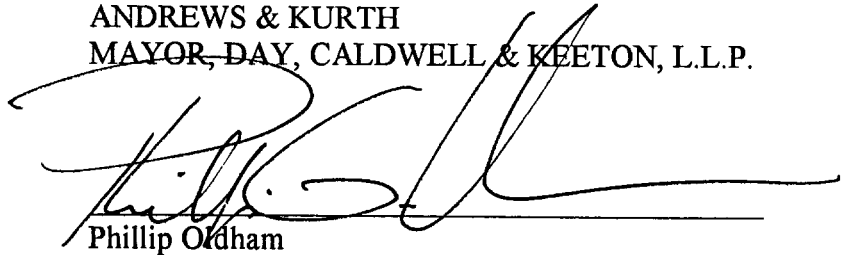
6. On May 21, 2002, TNMP filed an application requesting the Commission to make certain findings regarding the proposed certification of TNP One, TNMP's generating plant, as an exempt wholesale generator (EWG). TNMP requests the Commission to find that EWG certification by the Federal Energy Regulatory Commission will benefit consumers, is in the public interest, and does not violate state law.

7. TIEC member companies own and operate industrial facilities in the footprint TNMP service territory. The Commission's determination in this docket of whether EWG status benefits consumers and is in the public interest will necessarily involve weighing the impact of certification on TIEC member companies, as well as other consumers. Thus, TIEC has a substantial and vital interest in the outcome of the proceeding and requests that it be granted an opportunity to be heard.

For the above stated reasons, TIEC respectfully requests that the Commission grant this Motion to Intervene and admit TIEC as an intervenor in this proceeding for all purposes, and for such other relief to which it may be justly entitled.

Respectfully submitted,

ANDREWS & KURTH
MAYOR, DAY, CALDWELL & KEETON, L.L.P.

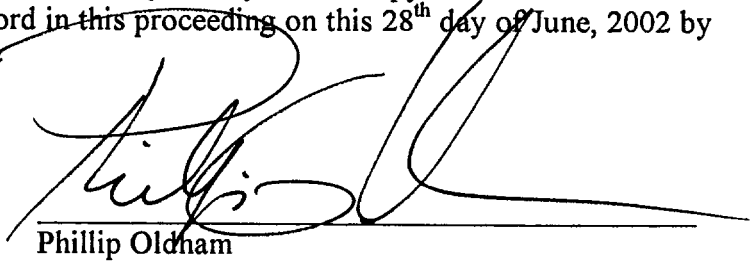


Phillip Oldham
State Bar No. 00794392
111 Congress Avenue, Suite 1700
Austin, Texas 78701
(512) 320-9200
(512) 320-9292 Fax

ATTORNEY FOR TEXAS INDUSTRIAL
ENERGY CONSUMERS

CERTIFICATE OF SERVICE

I, Phillip Oldham, Attorney for TIEC, hereby certify that a copy of TIEC's Motion to Intervene was served on all parties of record in this proceeding on this 28th day of June, 2002 by First Class, U.S. Mail, Postage Prepaid.



Phillip Oldham