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Item Number: 1

Addendum StartPage: 0



DOCKET NO.

38306

TEXAS-NEW MEXICO POWER  
COMPANY'S REQUEST FOR APPROVAL  
OF AN ADVANCE METERING SYSTEM  
(AMS) DEPLOYMENT AND AMS  
SURCHARGE

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Before the  
Public Utility Commission  
Of Texas

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DOCKET NO. 38306

TEXAS-NEW MEXICO POWER  
COMPANY'S REQUEST FOR APPROVAL  
OF ADVANCED METERING SYSTEM  
(AMS) DEPLOYMENT PLAN AND  
REQUEST FOR AMS SURCHARGES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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**TEXAS-NEW MEXICO POWER COMPANY'S  
PETITION AND APPLICATION**

NOW COMES Texas-New Mexico Power Company (TNMP) and file its Request for Approval of Advanced Metering System (AMS) Deployment Plan and Request for AMS Surcharges. In support thereof, TNMP respectfully shows as follows:

**I. Jurisdiction**

Texas-New Mexico Power Company is a transmission and distribution utility (TDU) as that term is defined in Section 31.002(19) of PURA.<sup>1</sup> The Commission has jurisdiction over TNMP and over the subject matter of this proceeding under PURA § 39.107.

**II. Representatives**

TNMP's authorized representative for service of pleadings, motions, orders, and other documents is:

Mr. Stacy Whitehurst  
Supervisor of Regulatory Policy Planning  
Texas-New Mexico Power Company  
225 E. John Carpenter Freeway  
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Tel: 469-484-8586  
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<sup>1</sup> Public Utility Regulatory Act (PURA), TEX. UTIL. CODE ANN. §§ 11.001 through 66.016 (Vernon 2007 & Supp. 2009).

TNMP's authorized legal representative is:

Scott Seamster  
Corporate Counsel  
PNMR Services Company  
225 E. John Carpenter Freeway  
Suite 1500  
Irving, Texas 75062  
Tel: 469-484-8577  
Facsimile: 469-484-8033  
Scott.seamster@pnmresources.com

### **III. Relief Requested by Texas-New Mexico Power Company**

Through this petition and application, in accordance with P.U.C. SUBST. R. 25.130(d), TNMP requests approval of the proposed Advanced Metering System Deployment Plan attached hereto as Attachment A. TNMP's Statement of AMS Functionality in accordance with P.U.C. SUBST. R. 25.130(d)(3) is Attachment B hereto. Under the advanced meter deployment plan, TNMP will provide full deployment of advanced meters to approximately 240,000 retail electric customers over the period 2011-2015.

In addition, pursuant to PURA § 39.107(k), TNMP requests approval of an AMS Surcharge tariff to recover the reasonable and necessary costs it will incur under the deployment plan for the full deployment of advanced meters to residential and non-residential customers in its retail electric service area, except for those customers who have interval demand recording (IDR) meters or take unmetered service. TNMP's proposed AMS Surcharge tariff is set forth in Attachment C hereto. TNMP requests that the requested AMS Surcharge tariffs become effective with the earlier of either the 1<sup>st</sup> billing cycle of the next month following a final order, or November 1, 2010, and be in effect for twelve (12) years.

### **IV. Persons Affected**

The relief sought by TNMP will affect all retail electric providers (REPs) serving residential and non-residential customers in TNMP's service areas, except those who have IDR meters or take unmetered service. Retail end-use customers may be affected, depending on the

actions taken by the REPs to pass the AMS surcharges through to the end-use customers they serve.

## **V. Notice**

TNMP proposes that notice be provided: (1) by mailing notice, in the form attached as Attachment D, to all REPs doing business in Texas listed on the Commission's website as of the date of this petition and application; (2) by publishing notice, in the form attached as Attachment E, for two weeks in newspapers having general circulation in each county in TNMP's service areas; and, (3) by serving a copy of this petition and application on each party to TNMP's most recent base rate case, Docket No. 36025<sup>2</sup>. Although the Commission has exclusive jurisdiction over this proceeding, TNMP will also provide notification of this petition and application to all municipalities in TNMP's service areas.

## **VI. Texas-New Mexico Power Company's Filing**

In addition to this petition and application and the attachments hereto, TNMP submits the direct testimonies and exhibits of the following witnesses in support of the relief which it seeks:

### **Stacy R. Whitehurst, Supervisor of Regulatory Policy and Planning for TNMP in the Regulatory Policy Department at PNMR Services Company**

- provides an overview of the filing made by TNMP pursuant to P.U.C. SUBST. R. 25.130 and to introduce TNMP's witnesses and the subject matters of their testimonies;
- describes the objectives sought through the installation of an AMS system;
- provides an overview of the AMS technology being deployed at TNMP; and,
- provides an explanation of certain McKinsey Model Assumptions.

### **Allan Burke, Director Retail Electric Provider (REP) Relations Department of Texas-New Mexico Power Company**

- presents TNMP's deployment schedule and the effects to TNMP Operations.

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<sup>2</sup> *Application of Texas-New Mexico Power Company for Authority to Change Rates*, Docket No. 36025.

**Gary Kessler, Domain Architect for Smart Grid for PNMR Services Company**

- presents the technology solutions that are required for TNMP to successfully implement an AMS solution.

**Kim Morris, Director of Architecture within the Business Technology Services Department of PNMR Services Company**

- presents the back office budget requirements and assumptions to successfully implement an AMS solution.

**Henry Monroy, Director, Utility Accounting for PNMR Services Company**

- presents the accounting requirements and assumptions to successfully implement an AMS solution.

**Michael Montgomery, Regulatory Project Manager in the Cost of Service and Pricing Group in the Regulatory Policy and Planning Department at PNMR Services Company**

- presents the McKinsey model and cost allocation and rate design.

The evidence sponsored by the above witnesses establishes that TNMP's deployment plan meets the requirements of P.U.C. SUBST. R. 25.130; the AMS Surcharges requested by TNMP meet the requirements of P.U.C. SUBST. R. 25.130(k); and, the waivers sought by TNMP meet the requirements of P.U.C. SUBST. R. 25.130(g)(3).

**VII. Request for Protective Order**

Certain of the materials pertaining to TNMP's AMS initiative and the implementation of the deployment plan either, (1) consist of confidential and commercially sensitive information, the public release of which would harm the Applicant and adversely affect the costs of providing advanced meters, or (2) consist of proprietary information of vendors with whom the Applicant has contracted in order to achieve the AMS objectives and which TNMP is contractually obligated to maintain as confidential.

TNMP, accordingly, requests the issuance of a Protective Order under P.U.C. PROC. R. 22.142(c) in the form attached as Attachment F and the adherence by all participants to this proceeding with such protective order.

### **VIII. Proposed Procedural Schedule**

In order to ensure that this proceeding can be processed as expeditiously as reasonably possible, the Applicants respectfully request that the Commission not refer this proceeding to the State Office of Administrative Hearings and, instead, retain full jurisdiction over this proceeding. Moreover, in furtherance of as expeditious a proceeding as reasonably possible, TNMP respectfully requests that the Commission adopt the following procedural schedule for this proceeding:

TNMP Filing	Wednesday, May 26, 2010
Intervention Deadline	Friday, July 09, 2010
Intervenor Testimony	Wednesday, July 21, 2010
Staff Testimony	Wednesday, July 28, 2010
Intervenor Rebuttal/TNMP Rebuttal	Wednesday, August 04, 2010
Hearing	Wednesday, August 11, 2010
Initial Briefs	Wednesday, August 18, 2010
Reply Briefs	Wednesday, August 25, 2010

The objective of the proposed schedule is to enable the Commission to issue a final decision in this proceeding by October 23, 2010<sup>3</sup>. Such issuance of a final order is necessary for TNMP to be able to initiate orders for equipment with the vendor and make the necessary modifications and enhancements to the IT systems so as to be in the position to proceed with the initial roll-out of advanced meters beginning on or about January 1, 2011, as contemplated in the deployment plan.

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<sup>3</sup> P.U.C SUBST. R. 25.130(d)(7) contemplates commission approval or rejection of the Deployment Plan within 150 days of a request of approval.




**IX. Conclusion and Prayer**

For the reasons set forth herein and in the direct testimonies of the witnesses, TNMP requests the Commission to:

- (1) approve the proposed notice;
- (2) approve the proposed procedural schedule;
- (3) approve the AMS Deployment Plan designated Attachment A;
- (4) approve the AMS Surcharge designated Attachment C;
- (5) issue the Protective Order designated Attachment F; and,
- (6) grant TNMP such other and further relief as they show themselves to be justly entitled.


Respectfully submitted,

**TEXAS-NEW MEXICO POWER COMPANY**

By:   
Scott Seamster  
State Bar No. 00784939  
Corporate Counsel  
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**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing Petition and Application has been served by electronic transmission, facsimile transmission, or first class mail on all parties to PUC Docket No. 36025 on this 26 day of May, 2010.

  
Scott Seamster

TEXAS-NEW MEXICO POWER COMPANY'S  
PETITION AND APPLICATION FOR AMS APPROVAL

**TEXAS-NEW MEXICO POWER COMPANY'S  
ADVANCED METERING SYSTEM DEPLOYMENT PLAN**

1. **Purpose.** The purpose of this document is to present the Texas-New Mexico Power Company's (TNMP) plan for deploying an advanced metering system in its respective service areas (AMS Deployment Plan) The information required by P.U.C. SUBST. R. 25.130(d)(4) is contained in this document.
2. **Advanced Meter Technology.** The advanced meter technology that TNMP plans to deploy will provide or support the minimum system features indentified in P.U.C. SUBST. R. 25.130(g)(1) adopted by the Public Utility Commission of Texas (Commission). The specific features of the proposed advanced metering technology are described in the following subsections (a) through (k):
  - (a) The advanced meters TNMP plans to deploy can be read automatically and remotely.
  - (b) The advanced meters TNMP plans to deploy will utilize a two-way communication system. The communications technology that TNMP plans to use is described in Section 3 below.
  - (c) TNMP is proposing to deploy approximately 240,000 of SmartSynch's AMI Intelligence™ smart metering solution which features a communications module that is integrated into the several vendors electricity meters, such as GE I-210+c, Elster's REX, Landis+Gyr Focus. TNMP will be utilizing GE's I-210+c meter for the AMS deployment. The I-210+c SmartMeter can communicate with C12.21 head-end systems (such as MV-90) and complies with ANSI C12.19 protocols for data storage. At time of deployment, all SmartSynch Meters deployed will transmit data using C12.22 ANSI communications. Those meters in the field that are not C12.22 compliant will be upgraded from C12.19 via an over-the-air firmware update.
  - (d) The I-210+c SmartMeter is a single phase electronic watt-hour meter for use in residential and light commercial service locations. The I-210+c's key features include Time of Use, Demand and Load Profile, Power Quality and Low Voltage Monitoring, Remote Connect/Disconnect, Remote Meter Programming, and C12.19/C12.21 compatibility. GE's I-210+c SmartMeter also will include a ZigBee Smart-Energy compliant wireless component for in-premise HAN communications. Badger ORION wireless component for multi-utility gas and water reads are optional.
  - (e) The meter construction and two-way communications capability will enable TNMP to process remote connects and disconnects of power service. The advanced meters have the ability to measure, store, and report both energy inflows and outflows, as necessary for net metering purposes. Deployed meters will be four channels at a minimum. This data will be available in 15-minute intervals and provide approximately 2,880 meter "reads" per month as opposed to the historic single read per month. Additionally, they have the capability to provide direct, real-time access to customer usage data subject to

## **TNMP -Advanced Metering System Deployment Plan**

the limitations and priorities of the associated network infrastructure (e.g., the amount of data that can be handled by the back-office systems and the data traffic for HAN communications).

- (f) These meters will also be enabled to operate with a customer's HAN device through the ZigBee wireless component. Communication with HANs allows for increased demand response and demand side management by providing pricing signals to customers, controlling selected appliances and their usage profiles, and providing energy consumption information to consumers via the web portal (described in more detail below) or in-home monitors. They can also support a more robust and efficient OMS and coordination with distribution automation by providing voltage threshold signals to the distribution system. The ZigBee protocol will be Smart Energy compliant.
- (g) The single phase self-contained advanced meters to be deployed that are rated at 200 amps or less contain a service switch that can be used to remotely connect or disconnect service via the advanced meters system (AMS) network. The advanced meters to be deployed have the capability of load-side voltage detection, and the service switch will not close if load-side voltage is detected. The service switch also has the capability to open when a configured current limit level is exceeded. The service switch will have the capability to reconnect after a configurable amount of elapsed time.
- (h) TNMP's AMS has the capability to time-stamp meter data. Periodic meter reading data is consistent with American National Standards Institute ("ANSI") C12.19 file table standards accepted by the Electric Reliability Council of Texas (ERCOT), and can be time (hour, minute, and second) and date stamped.
- (i) TNMP's proposed advanced meter will have the capability to interact with devices inside a customer's premise. The ZigBee HAN communication device inside the advanced meter will have the capability to communicate with a HAN device in the home for sending pricing signals, supporting demand response, pre-payment options and other communications as specified in the implementation phase of Substantive Rule 25.130.
- (j) The AMS installed by TNMP will have the capability to reconfigure and upgrade the advanced meters over the communication networks, as technology advances, and in TNMP's determination, the upgrade becomes economically feasible. TNMP will comply with market notification requirements in P.U.C. SUBST. R. 25.130(g)(5). TNMP's AMS will have the capability to provide firmware upgrades for the HAN communication device in the advanced meter, which will allow changes to be implemented as industry standards are modified or added.
- (k) At this time, TNMP is not aware of any issue that would restrict the ability to upgrade these minimum capabilities as technology advances.

For more information on the associated meter technology, see the TNMP's Statement of AMS Functionality, Figure 1 and Attachment B.

### **3. Communication Technologies.**

TNMP's core meter communications will be based on the existing cellular communications network provided by AT&T. Current tests by these providers have indicated 96% coverage for TNMP's service territory, and subsequent discussions have resulted in a commitment by the cellular providers to guarantee functional communications for 100% of the customers receiving smart meters. In areas where AT&T is lacking coverage, TNMP's meter technology allows for use of alternative cellular carriers that may have better coverage. In 2009, to have "shovel ready" project in order to meet the requirements of the Department of Energy Smart Grid Grant Application, TNMP expanded the pilot program to nearly 10,000 meters.

TNMP's service territory is extremely geographically diverse and dispersed. The geographic diversity, coupled with TNMP's smaller customer base (relative to other primary ERCOT participants), challenges the feasibility of a large capital investment for a communications infrastructure. The communications infrastructure required for the Company's service territory would be prohibitively expensive for the customer base, and consequently, cellular communication represents a cost-effective solution to smaller utilities with a geographically dispersed rural customer base.

This approach is not unique in terms of technology, and represents a low-risk technological solution to Advanced Metering. For many years, Commercial and Industrial (C&I) meter reading has been done using the Plain Old Telephone System (POTS) by having a data collection system call each meter for a reading, then collecting the information and passing it on to the back-office. This has always been done for major commercial customers with complex billing requirements such as Time of Use, Critical Peak Pricing and Interval Pricing. TNMP's AMS solution is designed to utilize the technology created for C&I meters, simplify it, and move it to a residential form factor and small commercial application, lower the meter cost, and insert cellular telephony in place of the POTS communications.

Key points to note regarding TNMP's cellular communications solution are:

- (A) The solution utilizes TCP/IP protocol from the back-office to the meter and/or smart grid device endpoints;
- (B) Reliance on Public Wireless Networks of any technology; specifically TNMP's solution will utilize GPRS and HSPA for most service areas;
- (C) Home Area Networks can use either the ZigBee OR 6LoWPAN 802.15.4 protocols;
- (D) Uses IEEE standards throughout the network from back-office to device end-point;
- (E) Highly secure because it uses device level encryption (AES 256), application level encryption and network level security in addition to a private network on the cellular carrier via Application Private Network (APN). Additionally this technology is the only technology being used by DOD for AMI on existing military bases and;

- (F) Bandwidth extensibility without capital investment by the utility.

In the ERCOT market, most of the utilities have chosen to implement a different approach as the majority of their customers are in urban and suburban areas. Specifically, all of the major utilities have chosen to implement private communications networks versus using public networks. With a larger customer base to spread out the costs, large utilities have the economies of scale that help keep AMS infrastructure charges lower than TNMP on a per customer basis. The three major TDSPs have chosen two different approaches: mesh/tower and tower based systems. Both solutions are being built on private, utility-owned networks that will be funded by the consumer through rate increases and surcharges.

#### **4. Systems Developed During the Deployment Period.**

##### **i) Back-office Systems**

Two back-office systems are integral to the deployment of TNMP's smart grid program: outage management system and the meter data management system is described in more detail below:

##### **(1) Outage Management System (OMS).**

TNMP's current plans are to install Milsoft Utility Solutions' DiSpatch outage management system. The DiSpatch Outage Manager is a component of the DiSpatch Client and provides a tabular view of the outages. The Outage Manager is used to modify and review outage information and access complete outage history. Milsoft's DiSpatch tool provides many capabilities which will include:

- Trouble Call Management – interacting with IVR to automatically interact with effected customers, communicate accurate caller information to dispatchers, and maintain call histories;
- Outage Management – predict outage points, dynamically react to multiple outages in real-time, communicate outage circuit information to dispatchers, and dynamically process restorations;
- Reporting – compile and report outage statistics in customized reporting formats; and,
- Crew Management – perform crew assignments, identify required truck types, and automatically determine primary crew.

DiSpatch will be tightly integrated with TNMP's existing circuit load flow analysis tool ("WindMil") which is also a Milsoft product. The OMS will utilize engineering maps and data through WindMil in assisting with the management of outages

##### **(2) Meter Data Management System (MDMS).**

TNMP will be implementing Itron's EE MDMS solution. At a minimum, MDMS provides a database repository and utility-specific business logic to:

## **TNMP -Advanced Metering System Deployment Plan**

- Automate and streamline the complex process of collecting meter data from multiple meter data collection technologies;
- Evaluate the quality of that data and generate estimates where errors and gaps exist; and
- Deliver that data in the appropriate format to TNMP's billing systems.

The MDMS will pre-process granular interval meter data at large volumes very quickly. AMS now has every meter in the entire meter population bringing back complex billing data in 15 minute intervals. The MDMS performs a number of tasks; it will:

- Aggregate and pre-process this granular interval data;
- Perform data validation, computation and editing of missing data; and
- Create billing ready data for Banner.

As TNMP smart meters are deployed, the MDMS will handle the storage and distribution of non-billing data and messaging such as two-way commands, outage alarms, tamper alarms and demand response events.

### **ii) Customer Education**

As an integral part of the Company's AMS deployment plan, TNMP is implementing a customer education program that is designed to reach customers who will be receiving an advanced meter. Through this program, TNMP is seeking to educate those customers about the benefits of advanced metering technology and how this capability can help customers save energy and money, and help provide better system reliability.

TNMP's customer education program is centered on various customer outreach tools, such as community events, presentation materials (chamber meetings or city council forums), and electronic communications. Customers will receive several information sources that will provide an overview of TNMP and its role in the community, TNMP's use of technology to improve electric delivery and reliability, and information about what the advanced meter means for consumers.

5. **Timeline for Web Portal Development.** TNMP is working with other Transmission and Distribution Service Providers (TDSPs) in ERCOT to implement a common AMS web portal under development in Project No. 34610. In the event the common web portal is not available for TNMP's initial AMS deployment, TNMP will provide alternate methods of delivery for the AMS data, which will include access to the data from TNMP's secure web site or other secure web interfaces.

### **6. Deployment Schedule by Specific Area (geographic information).**

- (a) On April 16, 2009, TNMP selected the SmartSynch/AT&T SmartMeter™ solution for a 10,000 unit point-to-point deployment to residential customers throughout the utility's Texas market. TNMP's decision was spurred by the successful performance of five SmartSynch system pilots deployed during the

## **TNMP -Advanced Metering System Deployment Plan**

last 14 months in Clifton, Lewisville, Texas City, Dickinson, and Brazoria, Texas. The pilots supported the collection of billing reads, remote service connect/disconnect capabilities and real-time event alarm notification. TNMP's deployment of this point-to-point deployment will place approximately 400 meters in Lewisville and Fort Stockton. The remaining meters will be installed in the Gulf Coast service area. The installation on these 10,000 meters was completed at the beginning on January 2010.

- (b) TNMP's deployment of advance meters will align with TNMP's service territory designations as described in the ERCOT Retail Market guide for working disconnect for non-pay. In the retail market guide, TNMP's service territory is broken into the following geographic designations: Gulf Coast, Central Texas, West Texas and North Central. For TNMP's deployment, these four geographic designations will be used; except the North Central Texas area will be separated into two separate areas. The first area is the Greater Lewisville area, which contains the Cities of Lewisville and Coppell. The second area will be all remaining cities in the North Central service area. TNMP will designate these two subareas of its North Central service area as "Lewisville" and "North Texas" throughout the AMS deployment.
- (c) TNMP will complete a full deployment in all service territories by the end of year 2015. TNMP plans to install approximately 44,000 by the end of 2011, approximately 48,000 by the end of 2012, approximately 46,000 by the end of 2013, approximately 42,000 by the end of 2014, and approximately 35,000 by the end of 2015.
- (d) Figure 2 provides a detailed listing of the areas and the quarters in which the TNMP plans to deploy the proposed AMS. It may become necessary to revise this schedule and sequence over the course of the deployment of AMS due to changing circumstances. Should that be the case, TNMP will report on any changes to this proposed schedule and sequence in its monthly progress reports that will be filed pursuant to P.U.C. SUBST. R 25.130(d)(9).

## **7. Reports.**

- (a) Commencing with the approval of this AMS Deployment Plan by the Commission, a monthly status report meeting the requirements of P.U.C. SUBST. R. 25.130(d)(9) will be filed with the Commission within 15 days of the end of the month to which it applies during the AMS deployment period. TNMP will notify all certified REPs of the availability of the report through the standard market notice requirements. The monthly progress report will include the number of advance meters installed by ESI ID, variations in the AMS Deployment Plan, significant problems TNMP' has experienced, the number of advanced meters replaced as a result of the AMS problems, and any status of AMS feature Deployment.

### **TNMP -Advanced Metering System Deployment Plan**

- (b) Upon request by a REP, TNMP will provide a report to the requesting REP stating the estimated cost and schedule for providing a non-standard advanced meter or non-standard advanced meter feature.
  - (c) TNMP will, jointly with other TDSPs involved in developing the common portal, hire an independent, third party to conduct a security audit of the common AMS web portal requirements as the development of the common web portal begins and will provide the results of that audit to the Commission in a compliance filing for the reporting. Additionally, TNMP, within two years after initially providing commercial AMS service, will engage an independent security auditor to conduct an audit of the Company's mechanisms for customer and/or REP access to meter data consistent with P.U.C. SUBST. R. 25.130(j)(3).
  - (d) TNMP will provide annual reports to the Commission, which shall include actual costs spent to date in deploying the AMS, the actual net operation cost savings, and the variances from projections, to determine the surcharges authorized by the Commission. The first such report will be filed by February 1, 2012, and cover the period of the first year of the deployment and in which the surcharges have been in effect.
8. **Schedule for Deployment of Web Portal Functionalities.** As mentioned previously, TNMP has completed a 10,000 meter pilot for 2010. Until the functionalities associated with the common Web Portal under development in Project No. 34610 are available, TNMP will provide alternate methods of delivery for the AMS data, which will include access to the data from TNMP's secure web site or other secure web interfaces.



FIGURE 1

Smart Grid Program AMS Elements

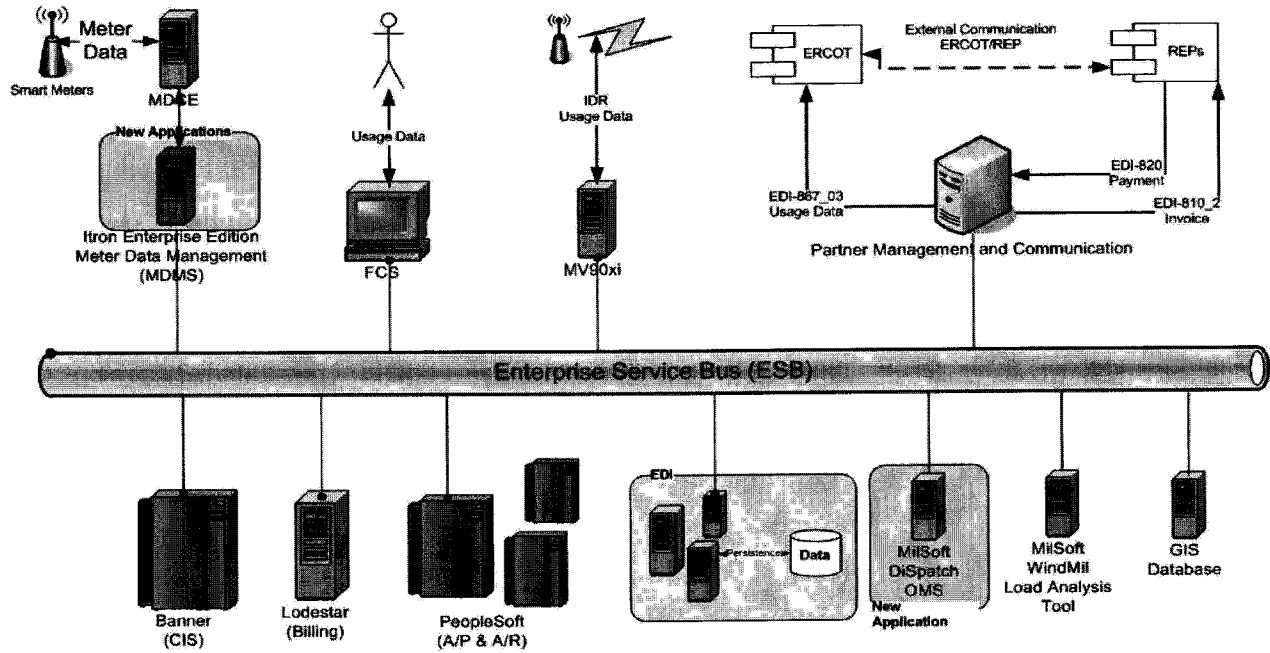
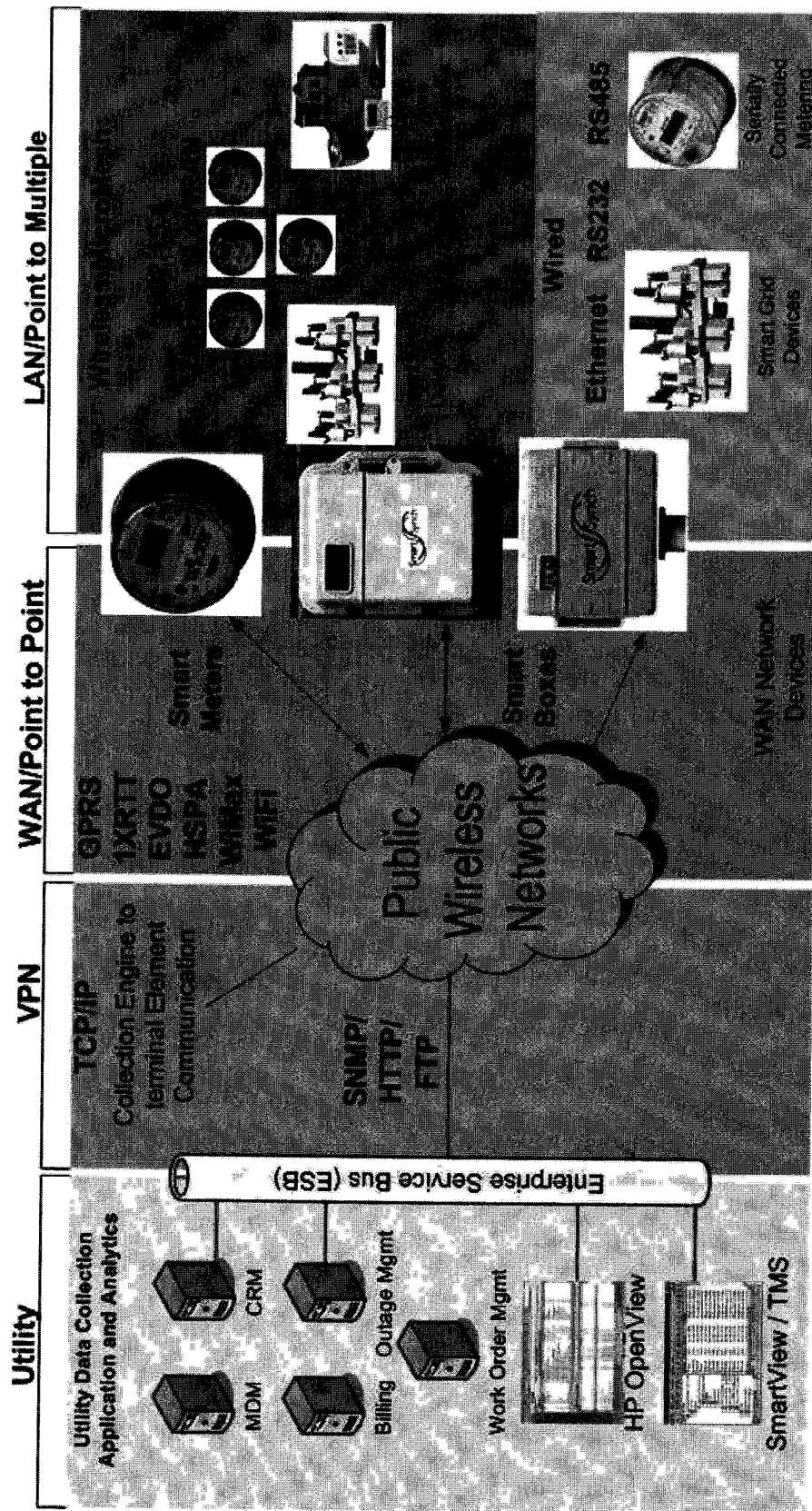


FIGURE 1 cont.



**FIGURE 2**

	GULF COAST	LEWISVILLE	NORTH TEXAS	CENTRAL TEXAS	WEST TEXAS	GROWTH	TOTAL
-							
Pilot & 2010	10,804	2,201	1	94	-	-	13,100
2011							
Q1	10,000	-	-	-	-	927	10,927
Q2	11,000	-	-	-	-	927	11,927
Q3	11,978	-	-	-	-	927	12,905
Q4	11,282	-	-	-	-	927	12,209
Total	44,260	-	-	-	-	3,707	47,967
2012							
Q1	11,218	-	-	-	-	494	11,712
Q2	12,961	-	-	-	-	494	13,455
Q3	12,213	-	-	-	-	494	12,707
Q4	11,900	-	-	-	-	494	12,394
Total	48,292	-	-	-	-	1,975	50,267
2013							
Q1	11,424	-	-	-	-	494	11,918
Q2	5,079	7,000	-	-	-	494	12,573
Q3	-	12,000	-	-	-	494	12,494
Q4	-	11,000	-	-	-	494	11,494
Total	16,503	30,000	-	-	-	1,975	48,478

-	GULF COAST	LEWISVILLE	NORTH TEXAS	CENTRAL TEXAS	WEST TEXAS	GROWTH	TOTAL
Q1	-	8,391	2,701	-	-	494	11,586
Q2	-	-	10,478	-	-	494	10,972
Q3	-	-	10,271	-	-	494	10,765
Q4	-	-	2,875	7,203	-	494	10,572
Total	-	8,391	26,325	7,203	-	1,976	43,895
Q1	-	-	-	10,064	-	501	10,565
Q2	-	-	-	8,335	-	501	8,836
Q3	-	-	-	-	8,539	501	9,040
Q4	-	-	-	-	7,762	501	8,263
Total	-	-	-	18,399	16,301	2,004	36,704
Grand Total	119,859	40,592	26,326	25,696	16,301	11,637	240,411

**TEXAS-NEW MEXICO POWER COMPANY'S  
ADVANCED METERING SYSTEM STATEMENT OF FUNCTIONALITY**

**1) Purpose.**

The purpose of this document is to present Texas-New Mexico Power Company ("TNMP") Statement of AMS Functionality. The information required by P.U.C. SUBST. R. 25.130(d)(3) is contained in this document.

**2) Technological requirements.**

The advanced meter system described in TNMP's AMS Deployment Plan submitted to the Commission as Attachment A meets the requirements specified in P.U.C. SUBST. R. 25.130(g).

**3) Service Area Variances between Technology and Meter Functions.**

TNMP's plan is to use a two-way communication system over public wireless, IP-based Smart Grid technology for its AMS. TNMP reserves the right to deploy alternative technologies or file a waiver in areas where sufficient wireless coverage does not exist.

**4) Request for Waivers.**

There are certain individual retail customers and service types where exceptions to the AMS requirements contained in Substantive Rule 25.130 are appropriate. In its Request for Approval of Advanced Metering System Deployment Plan and Advanced Metering System Surcharge, TNMP is requesting a waiver to relieve the Company of the obligation of installing an advanced meter that would have all of the functionalities contemplated by P.U.C. SUBST. R. 25.130 in the following circumstances:

- 1) Loads that may cause a safety or health issue if disconnected will not have an advanced meter with disconnect functionality installed. For example, TNMP proposes not to include the disconnection function for traffic lights, metered streetlights, railroad crossings, police stations, hospital facilities, service points providing cathodic protection, and TNMP's emergency facilities.
- 2) Loads that do not require and will never require a home area network ("HAN") device will not have an advanced meter with a HAN device installed. For example, TNMP proposes not to include a HAN device for metered streetlights and other applications that would not benefit from a HAN device, such as electric gates, communications power supplies, sprinkler controls, and cathodic protection power supplies.
- 3) Loads that currently have poly-phase and/or higher than class 200 (200 amp rating) meters will not have a disconnect device until poly-phase advanced meters with a disconnect device are available in the market
- 4) Loads that have poly-phase and instrument rated meters will not have a HAN device until those advanced meters with HAN devices are available in the market.

## TNMP -Advanced Metering System Deployment Plan

- 5) TNMP not be required to install advanced meters under the circumstances set forth in P.U.C. SUBST. R. 25.130(g)(6), in advance of the full deployment of advanced meters in a given area.
- 6) TNMP seeks any and all waivers required from P.U.C. SUBST. R. 25.130(g)(1)(E)(i) and (G) if and only to the extent those rules require real-time access to data for end-use customers. End-use customers, however, will not have access to data through a web portal unless and until (a) provided by their REP, or (b) the Texas common data repository (hereinafter, Common Repository) and Texas common web portal (hereinafter, Common Portal) are in place pursuant to the *Implementation Project Relating to Advanced Metering*, Project No. 34610. Once the Common Portal is completed, customers (in addition to REPs and authorized third parties) will have secure access to data through the Common Portal.

### 5) Table of Functionality.

The following table describes how the Companies' AMS meets each of the minimum system features set forth in P.U.C. SUBST. R. 25.130(g)(1):

Rule	Requirement	TNMP Implementation
(A)	Automated or remote meter reading;	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• TNMP will gather 15 minute interval data each day from AMS meters.</li> <li>• TNMP will provide a register reading time stamped at 23:59:59 (hh:mm:ss) for each meter.</li> <li>• All collected reading data will be made available no later than day after.</li> <li>• TNMP meter data gathering process will include a scheduled demand reset of polyphase meters.</li> </ul>
(B)	Two-way communications;	<ul style="list-style-type: none"> <li>• TNMP will provide two-way communications between the Common Portal and AMS meter.</li> <li>• TNMP will support REP and consumer ability to directly "ping" or "poll" meters as defined by the PUCT AMIT workshops, Project No. 34610. Please see Section (E), below.</li> <li>• TNMP AMS meters will support two-way communications between the AMS meter and ZigBee Smart Energy 1.0 HAN devices that have been certified by the ZigBee Alliance as a ZigBee Compliant Platform and have been certified in the TX Market.</li> </ul> <p><b>Constraints:</b></p> <ul style="list-style-type: none"> <li>• TNMP' AMS does not support at this time, unsolicited messages from HAN devices that are not</li> </ul>

### TNMP -Advanced Metering System Deployment Plan

		<p>covered by the ZigBee Alliance SmartEnergy protocols, such as, low battery or other device operating status messages. SmartEnergy profile messages from a provisioned HAN device, such as customer load event opt-out notices, are supported.</p> <ul style="list-style-type: none"> <li>• TNMP seeks any and all waivers required from P.U.C. SUBST. R. 25.130(g)(1)(E)(i) and (G) if and only to the extent those rules require real-time access to data for end-use customers. End-use customers, however, will not have access to data through a web portal unless and until (a) provided by their REP, or (b) the Common Repository and Common Portal are in place pursuant to the <i>Implementation Project Relating to Advanced Metering</i>, Project No. 34610. Once the Common Portal is completed, customers (in addition to REPs and authorized third parties) will have secure access to data through the Common Portal.</li> </ul>
(C)	Remote disconnection and reconnection for meters rated at or below 200 amps;	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• TNMP will deploy advanced meters rated at 200 amps or less that contain a service switch capable of remotely connecting or disconnecting service via the AMS network.</li> </ul>
(D)	The capability to time-stamp meter data sent to the independent organization or regional transmission organization ("RTO") for purposes of wholesale settlement, consistent with time tolerance standards adopted by the independent organization or RTO;	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• TNMP's proposed AMS has the capability to time-stamp meter data. Periodic meter reading data is consistent with the American National Standards Institute (ANSI) C12.19 file table standards accepted by ERCOT, and can be time (hour, minute, and second) and date stamped.</li> </ul>
(E)	<p>The capability to provide direct, real-time access to customer usage data to the customers and the customer's REP, provided that:</p> <ol style="list-style-type: none"> <li>Hourly data shall be transmitted to the electric utility's web portal on a day-after basis.</li> <li>The Commission Staff using a stakeholder process, as soon as practical shall determine, subject to Commission approval, when and how 15-minute interval recorder data shall be made available on the electric utility's web portal;</li> </ol>	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• TNMP' AMS System will be able to support 15 - minute settlement at ERCOT provided (a) the settlement requirements do not exceed those developed in Project No. 34610 and (b) settlement at ERCOT, prior to the deployment of the Common Repository, follows the interim market schedule for settlement agreed to by the ERCOT Market Advanced Readings and Settlements Task.</li> <li>• Until the Common Repository and Common Portal are available, TNMP will make meter usage interval data and midnight meter register reads available to REPs via a TNMP or third party -hosted secure site.</li> </ul>

## TNMP -Advanced Metering System Deployment Plan

		<p><b>Constraints:</b></p> <ul style="list-style-type: none"> <li>• End-use customers will not have access to data through a web portal unless and until (a) provided by their REP, or (b) the Common Repository and Common Portal are in place pursuant to Project No. 34610.</li> <li>• Functionality beyond what is contained in the AMIT requirements and future direction such as real time switching or move-ins is out of scope.</li> </ul> <p><b>Explicitly excluded functionality:</b></p> <ul style="list-style-type: none"> <li>• Move in Request</li> <li>• Non-Midnight move-ins</li> <li>• Two move-ins in the same 24-hour period</li> <li>• Real-time move in</li> <li>• Customer selected time of move-in</li> <li>• Switch Request</li> <li>• Non-Midnight switch</li> <li>• Multiple switches in the same 24-hour period</li> <li>• Real-time switching</li> <li>• Accelerated first available switch date</li> <li>• Customer selected time of switch</li> <li>• Disconnect For Non-Pay</li> <li>• Time-specific disconnect</li> <li>• Real-time disconnect</li> <li>• Real-time reconnect after DNP</li> <li>• Time-specific reconnect</li> <li>• Cancels / Date Changes</li> <li>• Time-specific time changes</li> <li>• Real-time cancels</li> <li>• Move out</li> <li>• Time-specific move out</li> </ul>
(F)	Means by which the REP can provide price signals to the customer;	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• TNMP will enable REP price signals over the AMS communications network to ZigBee Smart Energy 1.0 in-home HAN devices. TNMP is currently testing the provisioning capabilities.</li> </ul>



## TNMP -Advanced Metering System Deployment Plan

(G)	<p>The capability to provide 15-minute or shorter interval data to REPs, customers, and the independent organization or RTO, on a daily basis, consistent with data availability, transfer and security standards adopted by the independent organization or RTO;</p>	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• TNMP is working with other Transmission and Distribution Service Providers (TDSPs) to implement an envisioned Common Repository and Common Portal pursuant to the <i>Implementation Project Relating to Advanced Metering</i>, Project No. 34610. The project is currently in the planning phase. As part of this planning phase, TNMP is analyzing its existing systems and is identifying necessary upgrades to its infrastructure that will be needed as part of the implementation of the Common Portal.</li> <li>• Starting no later than the first quarter of 2011 and during the interim period until the Common Repository and Common Portal are available; TNMP will provide or support the following.</li> <li>• TNMP will provide REPs with available 15-minute VEE meter usage data via a TNMP-hosted secure site on a daily (no later than day-after) basis.</li> <li>• TNMP will provide daily (no later than day-after) available meter register reads via a TNMP-hosted secure site.</li> <li>• TNMP will forward such data directly to ERCOT per the Market Advanced Readings and Settlement (MARS) subcommittee guidance and schedule.</li> </ul> <p><b>Limitation:</b></p> <ul style="list-style-type: none"> <li>• End-use customers will not have access to unless and until (a) provided by their REP, or (b) the Common Repository and Common Portal are in place pursuant to Project No. 34610.</li> </ul>
(H)	<p>On-board meter storage of meter data that complies with nationally recognized non-proprietary standards such as in American National Standards Institute (ANSI) C12.19;</p>	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• The on-board meter storage feature of the TNMP advanced meter is already C12.19 compliant.</li> </ul>
(I)	<p>Open standards and protocols that comply with nationally recognized non-proprietary standards such as in ANSI C12.22, including future revisions thereto;</p>	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• The on-board communication card will be C12.22 compliant. The meter communications card acts as a C12.22 Gateway to the Head-end system which is compliant with ANSI C12 standard. Those meters not C12.22 compliant will be upgraded remotely during TNMP's initial AMS rollout so that all meters will be C12.22 compliant.</li> </ul>

## TNMP -Advanced Metering System Deployment Plan

(J)	<p>Capability to communicate with devices inside the premises, including, but not limited to, usage monitoring devices, load control devices, and prepayment systems through a home area network, based on open standards and protocols that comply with nationally recognized non-proprietary standards such as ZigBee, HomePlug or the equivalent; and</p>	<ul style="list-style-type: none"> <li>• TNMP's proposed AMS system will support HAN communications with in-home devices using ZigBee SmartEnergy V1.0.</li> <li>• TNMP will support the following HAN functionality by 3rd quarter 2011.               <ul style="list-style-type: none"> <li>• TNMP can support up to 5 provisioned HAN devices per market requirements.</li> <li>• TNMP can support REP-to-HAN pre-nodal use projections as proposed in PUCT Project No. 34610 ) by 3rd quarter 2011 with limitations:                   <ul style="list-style-type: none"> <li>○ REPs can use group messaging for time-of-use price information updates;</li> <li>○ ESP device message receipt acknowledgement messages are gathered and returned to REP during normal data gathering processes.</li> </ul> </li> </ul> </li> </ul> <p><b>Constraints:</b></p> <ul style="list-style-type: none"> <li>• PUCT Project No. 34610 HAN business and technical requirements are still in development. Several HAN requirements, as listed below, have been proposed that are not covered in TNMP' AMS filing. TNMP will incorporate, to the extent the means to provide such functionality are commercially available, and the HAN business and technical requirements as set forth in PUCT Project No. 34610. In the event the means to resolve such constraints or provide such functionality are not commercially available, TNMP will use reasonable efforts to develop or encourage the development of such means.</li> <li>• HAN functionality not covered in TNMP filing include:               <ul style="list-style-type: none"> <li>• Signal repeaters or range extenders between AMS meters and provisioned HAN devices will not be supported;</li> <li>• Detailed monthly HAN communication and operational activity reporting will not be supported;</li> <li>• Extensive real time two-way communication sessions between REPs and provisioned HAN devices, including unsolicited messaging initiated by HAN devices to the REP can be supported but at additional cost to the REP for bandwidth</li> </ul> </li> </ul>
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## TNMP -Advanced Metering System Deployment Plan

		<p>consumption over the allotted amount;</p> <ul style="list-style-type: none"> <li>• AMS bandwidth monitoring sufficient to report in near real time bandwidth availability throughout the AMS communications network is not supported;</li> <li>• HAN message queue monitoring and status reporting for REPs will be available Q4/2011;</li> <li>• TNMP support for near real time messaging to REPs from provisioned HAN devices is supported at additional cost to the REP for bandwidth consumption over the allotted amount; and</li> <li>• TNMP's ability to move HAN provisioning information from one meter to another meter when replacing meters is not supported.</li> <li>• TNMP's AMS per this filing is limited in how it can support two-way communications between REPs and HAN devices. TNMP will support two way REP-to-HAN communications as follows: <ul style="list-style-type: none"> <li>• HAN device provisioning confirmation messages by Q4/2011</li> <li>• Notification when customer "opts out" of a load control event initiated by a REP by Q4/2011</li> </ul> </li> </ul> <p>Notification a meter fails to deliver a REP message to a provisioned HAN device by Q1/2012</p>
(K)	The ability to upgrade these minimum capabilities as technology advances and, in the electric utility's determination, become economically feasible.	<ul style="list-style-type: none"> <li>• <b><i>TNMP's AMS technology meets this standard.</i></b></li> <li>• TNMP meters and communications modules can be remotely upgraded with firmware or configuration changes. This requirement has been tested during TNMP's meter trials.</li> </ul>

**TEXAS-NEW MEXICO POWER COMPANY  
TARIFF FOR RETAIL DELIVERY SERVICE**

**6.1. Rate Schedules**

Applicable: Entire Certified Service Area

Effective Date: November 1, 2010

Page No.: 129

Original

**6.1.1.6.8 RIDER AMCRF – ADVANCED METERING COST RECOVERY FACTOR****APPLICATION**

Applicable, pursuant to PURA § 39.107(h) and Substantive Rule § 25.130, to Retail Customers receiving metered service for which the Company will install and Advanced Metering System (“AMS”) at any time during the AMS cost recovery period approved by the Public Utility Commission of Texas.

Rider AMCRF is not applicable to Retail Customers whose: (1) load is required to be metered by an interval data recorder meter by the independent System Operator (ERCOT), (2) load was metered by and interval data recorder meter prior to the effective date of PUCT Substantive Rule § 25.130 (May 30, 2007), or (3) load is unmetered.

**NET MONTHLY BILL AMOUNT**

The AMCRF for each of the Company’s applicable retail rate schedules is as follows:

<b><u>Rate Schedule</u></b>	<b>Year 1- 5</b>	<b>Year 6- 12</b>	
	<b><u>Surcharge</u></b>	<b><u>Surcharge</u></b>	
Residential Service	\$ 4.80	\$ 4.17	Per ESI ID per month
Secondary Service Less than or Equal to 5 kW	\$ 5.00	\$ 5.00	Per ESI ID per month
Secondary Service Greater than 5kW	\$ 16.70	\$ -	Per ESI ID per month
Primary Service	\$ 20.13	\$ -	Per ESI ID per month
Lighting Service (Metered Facilities)	\$ 11.04	\$ -	Per ESI ID per month

**NOTICE**

This rate schedule is subject to the Company’s Tariff and Applicable Legal Authorities.

## **Attachment D**

To the Addressed Retail Electric Provider:

On \_\_\_\_\_, 2010, TEXAS-NEW MEXICO POWER COMPANY (TNMP) filed with the Public Utility Commission of Texas (Commission) a Request for Approval of Advanced Meter System (AMS) Deployment Plan and Request for AMS Surcharges. TNMP requests the Commission to approve their AMS deployment plan pursuant to P.U.C. SUBST. R. 25.130 and to approve, pursuant to P.U.C. SUBST. R. 25.130(k), the AMS surcharges for recovery of the reasonable and necessary costs which TNMP will incur under said deployment plan.

If approved, TNMP's surcharges will go into effect with the November 2010 billing month (which commences on November 1, 2010). The AMS surcharges will apply to electric service to residential customers and non-residential customers, other than those who have interval demand recording (IDR) meters or take unmetered service. The AMS surcharge will be billed to the retail electric providers (REPs) providing retail electric service to such customers in TNMP's service areas. The costs recovered through the AMS surcharges will be reviewed by the Commission in a reconciliation proceeding to be held in the future on a schedule to be determined by the Commission.

A copy of TNMP's filing is available for inspection at its offices at 225 E. John Carpenter Freeway, Suite 1500, Irving, Texas 75062, telephone (469) 484-8500.

Persons who wish to intervene in or comment upon the filing should notify the Public Utility Commission of Texas as soon as possible, as an intervention deadline of \_\_\_\_\_, 2010, has been imposed. A request to intervene or further information should be mailed to the Public Utility Commission of Texas, Post Office Box 13326, Austin, Texas 78711-3326, and reference Docket No. \_\_\_\_\_. Further information may also be obtained by calling the Public Utility Commission of Texas at (512) 936-7120 or (888) 782-8477 (toll free). Hearing- and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136.

Very truly yours,

Kendall A. Evans  
Regulatory Policy and Planning

## **Attachment E**

### **NOTICE OF REQUEST FOR APPROVAL FILED WITH THE PUBLIC UTILITY COMMISSION OF TEXAS**

On \_\_\_\_\_, 2010, TEXAS-NEW MEXICO POWER COMPANY (TNMP), a regulated electric transmission and distribution utility, filed with the Public Utility Commission of Texas (Commission) a Request for Approval of Advanced Meter System (AMS) Deployment Plan and Request for AMS Surcharges. The requested AMS surcharge is designed to recover the reasonable and necessary costs that TNMP will incur under the AMS deployment plan

If approved, the requested AMS surcharge will go into effect with the November 2010 billing month (which commences on November 1, 2010). The AMS surcharge will apply to electric service to residential and non-residential customers in TNMP's service area, other than those who have interval demand recording (IDR) meters or take unmetered service. The AMS surcharge will be billed to the retail electric providers (REPs) who provide retail electric service to these customers. The amount of AMS surcharge borne by an individual end-use retail customer will depend on whether its REP passes the approved AMS surcharge along to the end-use customer. The costs recovered through the AMS surcharge will be reviewed by the Commission in a reconciliation proceeding to be held in the future on a schedule to be determined by the Commission.

A copy of TNMP's filing is available for inspection at TNMP's offices at 225 E. John Carpenter Freeway, Suite 1500, Irving, Texas 75062, telephone (469) 484-8500.

Persons who wish to intervene in or comment upon the filing should notify the Public Utility Commission of Texas as soon as possible, as an intervention deadline of \_\_\_\_\_, 2010, has been imposed. A request to intervene or further information should be mailed to the Public Utility Commission of Texas, Post Office Box 13326, Austin, Texas 78711-3326, and reference Docket No. \_\_\_\_\_. Further information may also be obtained by calling the Public Utility Commission of Texas at (512) 936-7120 or (888) 782-8477 (toll free). Hearing- and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136.

DOCKET NO. \_\_\_\_\_

TEXAS-NEW MEXICO POWER  
COMPANY'S REQUEST FOR  
APPROVAL OF ADVANCED METER  
SYSTEM (AMS) DEPLOYMENT PLAN  
AND REQUEST FOR AMS  
SURCHARGES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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**PROTECTIVE ORDER**

This Protective Order shall govern the use of all information deemed confidential (Protected Materials) or highly confidential (Highly Sensitive Protected Materials) by a party providing information to the Public Utility Commission of Texas (Commission), including information whose confidentiality is currently under dispute.

It is ORDERED that:

1. **Designation of Protected Materials.** Upon producing or filing a document, including, but not limited to, records stored or encoded on a computer disk or other similar electronic storage medium in this proceeding, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by typing or stamping on its face "PROTECTED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. \_\_\_\_\_" or words to this effect and consecutively Bates Stamping each page. Protected Materials and Highly Sensitive Protected Materials include not only the documents so designated, but also the substance of the information contained in the documents and any description, report, summary, or statement about the substance of the information contained in the documents.

2. **Materials Excluded from Protected Materials Designation.** Protected Materials shall not include any information or document contained in the public files of the Commission or any other federal or state agency, court, or local governmental authority subject to the Texas Public Information Act. Protected Materials also shall not include documents or information which at the time of, or prior to disclosure in a proceeding, is or was public knowledge, or

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which becomes public knowledge other than through disclosure in violation of this Protective Order.

3. **Reviewing Party.** For the purposes of this Protective Order, a “Reviewing Party” is any party to this docket.

4. **Procedures for Designation of Protected Materials.** On or before the date the Protected Materials or Highly Sensitive Protected Materials are provided to the Commission, the producing party shall file with the Commission and deliver to each party to the proceeding a written statement, which may be in the form of an objection, indicating: (1) any and all exemptions to the Public Information Act, TEX. GOV’T CODE ANN., Chapter 552, claimed to be applicable to the alleged Protected Materials; (2) the reasons supporting the providing party’s claim that the responsive information is exempt from public disclosure under the Public Information Act and subject to treatment as protected materials; and (3) that counsel for the providing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.

5. **Persons Permitted Access to Protected Materials.** Except as otherwise provided in this Protective Order, a Reviewing Party shall be permitted access to Protected Materials only through its “Reviewing Representatives” who have signed the Protective Order Certification Form. Reviewing Representatives of a Reviewing Party include its counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by the Reviewing Party and directly engaged in this proceeding. At the request of the PUC Commissioners, or their staff, copies of Protected Materials may be produced by Commission Staff (Staff) or the Commission’s Docket Management and Advising Division (CADM) to the Commissioners. The Commissioners and their staff shall be informed of the existence and coverage of this Protective Order and shall observe the restrictions of the Protective Order.

6. **Highly Sensitive Protected Material Described.** The term “Highly Sensitive Protected Materials” is a subset of Protected Materials and refers to documents or information



which a producing party claims is of such a highly sensitive nature that making copies of such documents or information or providing access to such documents to employees of the Reviewing Party (except as set forth herein) would expose a producing party to unreasonable risk of harm, including but not limited to: (1) customer-specific information protected by § 32.101(c) of the Public Utility Regulatory Act<sup>1</sup>; (2) contractual information pertaining to contracts that specify that their terms are confidential or which are confidential pursuant to an order entered in litigation to which the producing party is a party; (3) market-sensitive fuel price forecasts, wholesale transactions information and/or market-sensitive marketing plans; and (4) business operations or financial information that is commercially sensitive. Documents or information so classified by a producing party shall bear the designation "HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. \_\_\_\_\_" or words to this effect and shall be consecutively Bates Stamped in accordance with the provisions of this Protective Order. The provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides for additional protections for Highly Sensitive Protected Materials. In particular, the procedures herein for challenging the producing party's designation of information as Protected Materials also apply to information that a producing party designates as Highly Sensitive Protected Materials.

**7. Restrictions on Copying and Inspection of Highly Sensitive Protected Material.**

Except as expressly provided herein, only one copy may be made of any Highly Sensitive Protected Materials except that additional copies may be made in order to have sufficient copies for introduction of the material into the evidentiary record if the material is to be offered for admission into the record. A record of any copies that are made of Highly Sensitive Protected Material shall be kept and a copy of the record shall be sent to the producing party at the time the copy or copies are made. The record shall include information on the location and the person in possession of the copy. Highly Sensitive Protected Material shall be made available for inspection only at the location or locations provided by the producing party, except as provided by Paragraphs 9 and 13. Limited notes may be made of Highly Sensitive

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<sup>1</sup> Public Utility Regulatory Act, TEX. UTIL. CODE ANN., § 32.101 (c) (Vernon 2007 & Supp. 2008) (PURA).

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Protected Materials, and such notes shall themselves be treated as Highly Sensitive Protected Materials unless such notes are limited to a description of the document and a general characterization of its subject matter in a manner that does not state any substantive information contained in the document.

8. **Restricting Persons Who May Have Access to Highly Sensitive Protected Material.**

With the exception of Commission Staff, The Office of the Attorney General (OAG), and the Office of Public Utility Counsel (OPC), and except as provided herein, the Reviewing Representatives for the purpose of access to Highly Sensitive Protected Materials may be persons who are: (1) outside counsel for the Reviewing Party, (2) outside consultants for the Reviewing Party working under the direction of Reviewing Party's counsel or, (3) employees of the Reviewing Party working with and under the direction of Reviewing Party's counsel who have been authorized by the presiding officer to review Highly Sensitive Protected Materials. The Reviewing Party shall limit the number of Reviewing Representatives that review each Highly Sensitive Protected document to the minimum number of persons necessary. The Reviewing Party is under a good faith obligation to limit access to each portion of any Highly Sensitive Protected Materials to two Reviewing Representatives whenever possible. Reviewing Representatives for Commission Staff, the OAG, and OPC, for the purpose of access to Highly Sensitive Protected Materials, shall consist of their respective counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by them and directly engaged in these proceedings.

9. **Copies Provided of Highly Sensitive Protected Material.** A producing party shall provide one copy of Highly Sensitive Protected Materials specifically requested by the Reviewing Party to the person designated by the Reviewing Party who must be a person authorized to review Highly Sensitive Protected Material under Paragraph 8, and be either outside counsel or an outside consultant. Other representatives of the reviewing party who are authorized to view Highly Sensitive Material may review the copy of Highly Sensitive Protected Materials at the office of the Reviewing Party's representative designated to receive the information. Each reviewing party may make two additional copies of Highly Sensitive

documents for outside consultants whose business offices are located outside of Travis County. The additional copies may be maintained at the outside consultants' offices outside of Travis County. All restrictions on Highly Sensitive documents in this Order shall apply to the additional copies maintained in the outside consultants' offices. Any Highly Sensitive Protected documents provided to a Reviewing Party may not be copied except as provided in Paragraph 7 and shall be returned along with any copies made pursuant to Paragraph 7 to the producing party within two weeks after the close of the evidence in this proceeding. The restrictions contained herein do not apply to Commission Staff, OPC, and the OAG when the OAG is a representing a party to the proceeding.

10. **Procedures in Paragraphs 10-14 Apply to Commission Staff, OPC, and the OAG and Control in the Event of Conflict.** The procedures set forth in Paragraphs 10 through 14 apply to responses to requests for documents or information that the producing party designates as Highly Sensitive Protected Materials and provides to Commission Staff, OPC, and the OAG in recognition of their purely public functions. To the extent the requirements of Paragraphs 10 through 14 conflicts with any requirements contained in other paragraphs of this Protective Order, the requirements of these Paragraphs shall control.

11. **Copy of Highly Sensitive Protected Material to be Provided to Commission Staff, OPC and the OAG.** When, in response to a request for information by a Reviewing Party, the producing party makes available for review documents or information claimed to be Highly Sensitive Protected Materials, the producing party shall also deliver one copy of the Highly Sensitive Protected Materials to the Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) in Austin, Texas. Provided however, that in the event such Highly Sensitive Protected Materials are voluminous, the materials will be made available for review by Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) at the designated office in Austin, Texas. The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may request such copies as are necessary of such voluminous material under the copying procedures set forth herein.

12. **Delivery of the Copy of Highly Sensitive Protected Material to Staff and Outside Consultants.** The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is

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representing a party) may deliver the copy of Highly Sensitive Protected Materials received by them to the appropriate members of their staff for review, provided such staff members first sign the certification provided in Paragraph 15. After obtaining the agreement of the producing party, Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by it to the agreed, appropriate members of their outside consultants for review, provided such outside consultants first sign the certification attached hereto.

13. **Restriction on Copying by Commission Staff, OPC and the OAG.** Except as allowed by Paragraph 7 or by this Paragraph 13, Commission Staff, OPC and the OAG may not make additional copies of the Highly Sensitive Protected Materials furnished to them unless the producing party agrees in writing otherwise, or, upon a showing of good cause, the presiding officer directs otherwise. Limited notes may be made by Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) of Highly Sensitive Protected Materials furnished to them and all such handwritten notes will be treated as Highly Sensitive Protected Materials as are the materials from which the notes are taken. Commission Staff, OPC (if OPC is a party), and the OAG (if OAG is a party) may make two additional copies of Highly Sensitive documents for outside consultants whose business offices are located outside of Travis County. The additional copies may be maintained at the outside consultants' offices outside of Travis County. All restrictions on Highly Sensitive documents in this Order shall apply to the additional copies maintained in the outside consultants' offices.

14. **Public Information Requests.** In the event of a request for any of the Highly Sensitive Protected Materials under the Public Information Act, an authorized representative of the Commission OPC, or the OAG may furnish a copy of the requested Highly Sensitive Protected Materials to the Open Records Division at the OAG together with a copy of this Protective Order after notifying the producing party that such documents are being furnished to the OAG. Such notification may be provided simultaneously with the delivery of the Highly Sensitive Protected Materials to the OAG.

15. **Required Certification.** Each person who inspects the Protected Materials shall, before such inspection, agree in writing to the following certification set forth in the Attachment to this Protective Order:

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. \_\_\_\_\_. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

In addition, Reviewing Representatives who are permitted access to Highly Sensitive Protected Material under the terms of this Protective Order shall, before inspection of such material, agree in writing to the following certification set forth in the Attachment to this Protective Order:

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

A copy of each signed certification shall be provided by the reviewing party to Counsel for the producing party and served upon all parties of record.

16. **Disclosures Between Reviewing Representatives and Continuation of Disclosure Restrictions After a Person is no Longer Engaged in the Proceeding.** Any Reviewing Representative may disclose Protected Materials, other than Highly Sensitive Protected Materials, to any other person who is a Reviewing Representative provided that, if the person to whom disclosure is to be made has not executed and provided for delivery of a signed certification to the party asserting confidentiality, that certification shall be executed prior to any disclosure. A Reviewing Representative may disclose Highly Sensitive Protected Material

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to other Reviewing Representatives who are permitted access to such material and have executed the additional certification required for persons who receive access to Highly Sensitive Protected Material. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, access to Protected Materials by that person shall be terminated and all notes, memoranda, or other information derived from the protected material shall either be destroyed or given to another Reviewing Representative of that party who is authorized pursuant to this Protective Order to receive the protected materials. Any person who has agreed to the foregoing certification shall continue to be bound by the provisions of this Protective Order so long as it is in effect, even if no longer engaged in these proceedings.

17. **Producing Party to Provide One Copy of Certain Protected Material and Procedures for Making Additional Copies of Such Materials.** Except for Highly Sensitive Protected Materials, which shall be provided to the Reviewing Parties pursuant to Paragraphs 9, and voluminous Protected Materials, the producing party shall provide a Reviewing Party one copy of the Protected Materials upon receipt of the signed certification described in Paragraph 15. Except for Highly Sensitive Protected Materials, a Reviewing Party may make further copies of Protected Materials for use in this proceeding pursuant to this Protective Order, but a record shall be maintained as to the documents reproduced and the number of copies made, and upon request the Reviewing Party shall provide the party asserting confidentiality with a copy of that record.

18. **Procedures Regarding Voluminous Protected Materials.** Production of voluminous Protected Materials will be governed by P.U.C. PROC. R. 22.144(h). Voluminous Protected Materials will be made available in the producing party's voluminous room, in Austin, Texas, or at a mutually agreed upon location, Monday through Friday, 9:00 a.m. to 5:00 p.m. (except on state or Federal holidays), and at other mutually convenient times upon reasonable request.

19. **Reviewing Period Defined.** The Protected Materials may be reviewed only during the Reviewing Period, which shall commence upon entry of this Protective Order and continue until the expiration of the Commission's plenary jurisdiction. The Reviewing Period shall reopen if the Commission regains jurisdiction due to a remand as provided by law. Protected

materials that are admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed throughout the pendency of this proceeding and any appeals.

20. **Procedures for Making Copies of Voluminous Protected Materials.** Other than Highly Sensitive Protected Materials, Reviewing Parties may take notes regarding the information contained in voluminous Protected Materials made available for inspection or they may make photographic, mechanical or electronic copies of the Protected Materials, subject to the conditions hereof; provided, however, that before photographic, mechanical or electronic copies can be made, the Reviewing Party seeking photographic, mechanical or electronic copies must complete a written receipt for copies on the attached form identifying each piece of Protected Materials or portions thereof the Reviewing Party will need.

21. **Protected Materials to be Used Solely for the Purposes of These Proceedings.** All Protected Materials shall be made available to the Reviewing Parties and their Reviewing Representatives solely for the purposes of these proceedings. Access to the Protected Materials may not be used in the furtherance of any other purpose, including, without limitation: (1) any other pending or potential proceeding involving any claim, complaint, or other grievance of whatever nature, except appellate review proceedings that may arise from or be subject to these proceedings; or (2) any business or competitive endeavor of whatever nature. Because of their statutory regulatory obligations, these restrictions do not apply to Commission Staff or OPC.

22. **Procedures for Confidential Treatment of Protected Materials and Information Derived from those Materials.** Protected Materials, as well as a Reviewing Party's notes, memoranda, or other information regarding or derived from the Protected Materials are to be treated confidentially by the Reviewing Party and shall not be disclosed or used by the Reviewing Party except as permitted and provided in this Protective Order. Information derived from or describing the Protected Materials shall be maintained in a secure place and shall not be placed in the public or general files of the Reviewing Party except in accordance with the provisions of this Protective Order. A Reviewing Party must take all reasonable precautions to insure that the Protected Materials including notes and analyses made from

Protected Materials that disclose Protected Materials are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.

23. **Procedures for Submission of Protected Materials.** If a Reviewing Party tenders for filing any Protected Materials, including Highly Sensitive Protected Materials, or any written testimony, exhibit, brief, motion or other type of pleading or other submission at the Commission or before any other judicial body that quotes from Protected Materials or discloses the content of Protected Materials, the confidential portion of such submission shall be filed and served in sealed envelopes or other appropriate containers endorsed to the effect that they contain Protected Material or Highly Sensitive Protected Material and are sealed pursuant to this Protective Order. If filed at the Commission, such documents shall be marked "PROTECTED MATERIAL" and shall be filed under seal with the presiding officer and served under seal to the counsel of record for the Reviewing Parties. The presiding officer may subsequently, on his/her own motion or on motion of a party, issue a ruling respecting whether or not the inclusion, incorporation or reference to Protected Materials is such that such submission should remain under seal. If filing before a judicial body, the filing party: (1) shall notify the party which provided the information within sufficient time so that the providing party may seek a temporary sealing order; and (2) shall otherwise follow the procedures set forth in Rule 76a, Texas Rules of Civil Procedure.

24. **Maintenance of Protected Status of Materials During Pendency of Appeal of Order Holding Materials are not Protected Materials.** In the event that the presiding officer at any time in the course of this proceeding finds that all or part of the Protected Materials are not confidential or proprietary, by finding, for example, that such materials have entered the public domain or materials claimed to be Highly Sensitive Protected Materials are only Protected Materials, those materials shall nevertheless be subject to the protection afforded by this Protective Order for three (3) full working days, unless otherwise ordered, from the date the party asserting confidentiality receives notice of the presiding officer's order. Such notification will be by written communication. This provision establishes a deadline for appeal of a presiding officer's order to the Commission. In the event an appeal to the Commissioners is filed within those three (3) working days from notice, the Protected



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Materials shall be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal. Neither the party asserting confidentiality nor any Reviewing Party waives its right to seek additional administrative or judicial remedies after the Commission's denial of any appeal.

25. **Notice of Intent to Use Protected Materials or Change Materials Designation.**

Parties intending to use Protected Materials shall notify the other parties prior to offering them into evidence or otherwise disclosing such information into the record of the proceeding. During the pendency of Docket No. \_\_\_\_\_ at the Commission, in the event that a Reviewing Party wishes to disclose Protected Materials to any person to whom disclosure is not authorized by this Protective Order, or wishes to have changed the designation of certain information or material as Protected Materials by alleging, for example, that such information or material has entered the public domain, such Reviewing Party shall first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with particularity each of such Protected Materials. A Reviewing Party shall at any time be able to file a written motion to challenge the designation of information as Protected Materials.

26. **Procedures to Contest Disclosure or Change in Designation.** In the event that the party asserting confidentiality wishes to contest a proposed disclosure or request for change in designation, the party asserting confidentiality shall file with the appropriate presiding officer its objection to a proposal, with supporting affidavits, if any, within five (5) working days after receiving such notice of proposed disclosure or change in designation. Failure of the party asserting confidentiality to file such an objection within this period shall be deemed a waiver of objection to the proposed disclosure or request for change in designation. Within five (5) working days after the party asserting confidentiality files its objection and supporting materials, the party challenging confidentiality may respond. Any such response shall include a statement by counsel for the party challenging such confidentiality that he or she has reviewed all portions of the materials in dispute and without disclosing the Protected Materials, a statement as to why the Protected Materials should not be held to be confidential under current legal standards, or alternatively that the party asserting confidentiality for some reason

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did not allow such counsel to review such materials. If either party wishes to submit the material in question for in camera inspection, it shall do so no later than five (5) working days after the party challenging confidentiality has made its written filing.

27. **Procedures for Presiding Officer Determination Regarding Proposed Disclosure or Change in Designation.** If the party asserting confidentiality files an objection, the appropriate presiding officer will determine whether the proposed disclosure or change in designation is appropriate. Upon the request of either the producing or reviewing party or upon the presiding officer's own initiative, the presiding officer may conduct a prehearing conference. The burden is on the party asserting confidentiality to show that such proposed disclosure or change in designation should not be made. If the presiding officer determines that such proposed disclosure or change in designation should be made, disclosure shall not take place earlier than three (3) full working days after such determination unless otherwise ordered. No party waives any right to seek additional administrative or judicial remedies concerning such presiding officer's ruling.

28. **Maintenance of Protected Status During Periods Specified for Challenging Various Orders.** Any party electing to challenge, in the courts of this state, a Commission or presiding officer determination allowing disclosure or a change in designation shall have a period of ten (10) days from: (1) the date of an unfavorable Commission order; or (2) if the Commission does not rule on an appeal of an interim order, the date an appeal of an interim order to the Commission is overruled by operation of law, to obtain a favorable ruling in state district court. Any party challenging a state district court determination allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from a state appeals court. Finally, any party challenging a determination of a state appeals court allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from the state supreme court, or other appellate court. All Protected Materials shall be afforded the confidential treatment and status provided for in this Protective Order during the periods for challenging the various orders referenced in this Paragraph. For purposes of this

Paragraph, a favorable ruling of a state district court, state appeals court, Supreme Court or other appellate court includes any order extending the deadlines set forth in this Paragraph.

29. **Other Grounds for Objection to Use of Protected Materials Remain Applicable.**

Nothing in this Protective Order shall be construed as precluding any party from objecting to the use of Protected Materials on grounds other than confidentiality, including the lack of required relevance. Nothing in this Protective Order constitutes a waiver of the right to argue for more disclosure, provided, however, that unless and until such additional disclosure is order by the Commission or a court, all parties will abide by the restrictions imposed by the Protective Order.

30. **Protection of Materials from Unauthorized Disclosure.** All notices, applications, responses or other correspondence shall be made in a manner which protects Protected Materials from unauthorized disclosure.

31. **Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials.** Following the conclusion of these proceedings, each Reviewing Party must, no later than thirty (30) days following receipt of the notice described below, return to the party asserting confidentiality all copies of the Protected Materials provided by that party pursuant to this Protective Order and all copies reproduced by a Reviewing Party, and counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel that, to the best of his or her knowledge, information, and belief, all copies of notes, memoranda, and other documents regarding or derived from the Protected Materials (including copies of Protected Materials) that have not been so returned, if any, have been destroyed, other than notes, memoranda, or other documents which contain information in a form which, if made public, would not cause disclosure of the substance of Protected Materials. As used in this Protective Order, "conclusion of these proceedings" refers to the exhaustion of available appeals, or the running of the time for the making of such appeals, as provided by applicable law. If, following any appeal, the Commission conducts a remand proceeding, then the "conclusion of these proceedings" is extended by the remand to the exhaustion of available appeals of the remand, or the running of the time for making such appeals of the remand, as provided by applicable law. Promptly following the conclusion of these proceedings, counsel

for the party asserting confidentiality will send a written notice to all other parties, reminding them of their obligations under this Paragraph. Nothing in this Paragraph shall prohibit counsel for each Reviewing Party from retaining two (2) copies of any filed testimony, brief, application for rehearing, hearing exhibit or other pleading which refers to Protected Materials provided that any such Protected Materials retained by counsel shall remain subject to the provisions of this Protective Order.

32. **Applicability of Other Law.** This Protective Order is subject to the requirements of the Public Information Act<sup>2</sup>, the Open Meetings Act<sup>3</sup>, and any other applicable law, provided that parties subject to those acts will give the party asserting confidentiality notice, if possible under those acts, prior to disclosure pursuant to those acts.

33. **Procedures for Release of Information Under Order.** If required by order of a governmental or judicial body, the Reviewing Party may release to such body the confidential information required by such order; provided, however, that (1) the Reviewing Party shall notify the party asserting confidentiality of such order at least five (5) calendar days in advance of the release of the information in order for the party asserting confidentiality to contest any release of the confidential information; (2) the Reviewing Party shall notify the producing party that there is a request for such information within five (5) calendar days of the date the Reviewing Party is notified of the request for information; and (3) the Reviewing Party shall use its best efforts to prevent such materials from being disclosed to the public. The terms of this Protective Order do not preclude the Reviewing Party from complying with any valid and enforceable order of a state or federal court with competent jurisdiction specifically requiring disclosure of Protected Materials earlier than contemplated herein.

34. **Best Efforts Defined.** The term “best efforts” as used in the preceding paragraph requires that the Reviewing Party attempt to ensure that disclosure is not made unless such disclosure is pursuant to a final order of a Texas governmental or Texas judicial body or written opinion of the Texas Attorney General which was sought in compliance with the Public Information Act. The Reviewing Party is not required to delay compliance with a lawful order

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<sup>2</sup> TEX. GOV'T CODE ANN. § 552.111 (Vernon 1994 & Supp. 2008).

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to disclose such information but is simply required to timely notify the party asserting confidentiality, or its counsel, that it has received a challenge to the confidentiality of the information and that the Reviewing Party will either proceed under the provisions of §552.301 of the Public Information Act, or intends to comply with the final governmental or court order.

35. **Notify Defined.** “Notify” for purposes of Paragraphs 33 and 34 shall mean written notice to the party asserting confidentiality at least five (5) calendar days prior to release; including when a Reviewing Party receives a request under the Public Information Act. However, the Commission or OPC may provide a copy of Protected Materials to the Open Records Division of the OAG as provided herein.

36. **Requests for Non-Disclosure.** If the producing party asserts that the requested information should not be disclosed at all, or should not be disclosed to certain parties under the protection afforded by this Order, the producing party shall tender the information for in camera review to the presiding officer within **five (5) calendar days** of the request. At the same time, the producing party shall file and serve on all parties its argument, including any supporting affidavits, in support of its position of non-disclosure. The burden is on the producing party to establish that the material should not be disclosed. The producing party shall serve a copy of the information under the classification of Highly Sensitive Protected Material to all parties requesting the information that the producing party has not alleged should be prohibited from reviewing the information.

Parties wishing to respond to the producing party’s argument for non-disclosure shall do so within **three (3) working days**. Responding parties should explain why the information should be disclosed to them, including why disclosure is necessary for a fair adjudication of the case if the material is determined to constitute a trade secret. If the Presiding Officer finds that the information should be disclosed as Protected Material under the terms of this Protective Order, the Presiding Officer shall stay the order of disclosure for such period of time as the Presiding Officer deems necessary to allow the producing party to appeal the ruling to the commission.

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<sup>3</sup> TEX. GOV’T CODE ANN. § 551.001 (Vernon 1994 & Supp. 2008).

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37. **Sanctions Available for Abuse of Designation.** If the Presiding Officer finds that a producing party unreasonably designated material as Protected Material or as Highly Sensitive Protected Material, or unreasonably attempted to prevent disclosure pursuant to Paragraph 36, the Presiding Officer may sanction the producing party pursuant to P.U.C. PROC. R. 22.161.
38. **Modification of Protective Order.** Each party shall have the right to seek changes in this Protective Order as appropriate from the Presiding Officer.
39. **Breach of Protective Order.** In the event of a breach of the provisions of this Protective Order, the producing party, if it sustains its burden of proof required to establish the right to injunctive relief, shall be entitled to an injunction against such breach without any requirements to post bond as a condition of such relief. The producing party shall not be relieved of proof of any element required to establish the right to injunctive relief. In addition to injunctive relief, the producing party shall be entitled to pursue any other form of relief to which it is entitled.

ATTACHMENT A

Protective Order Certification

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. \_\_\_\_\_. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

ATTACHMENT B

I request to view/copy the following documents:

Document Requested	# of Copies	Non-Confidential	Confidential &/or HS

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



**PUC DOCKET NO. \_\_\_\_\_**

**BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS**

**TEXAS-NEW MEXICO POWER COMPANY  
REQUEST FOR APPROVAL  
OF AN ADVANCE METERING SYSTEM (AMS)  
DEPLOYMENT AND AMS SURCHARGE**

**PREPARED DIRECT TESTIMONY AND EXHIBITS  
OF  
STACY R. WHITEHURST**

**ON BEHALF OF  
TEXAS-NEW MEXICO POWER COMPANY**

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**EXHIBIT SRW-2**

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**EXHIBIT SRW-3**

**RIDER AMCRF (ADVANCE METERING COST RECOVERY FACTOR)**

**EXHIBIT SRW-4**

**MOODY'S REVISED OUTLOOK FOR TNMP**