

Control Number: 40348



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**SOAH DOCKET NO. 473-12-6064
PUC DOCKET NO. 40348**

**APPLICATION OF TEXAS NEW
MEXICO POWER COMPANY FOR
APPROVAL OF AN ENERGY
EFFICIENCY COST RECOVERY
FACTOR**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

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PUBLIC UTILITY COMMISSION
FILING CLERK

MOTION TO INTERVENE OF TXU ENERGY RETAIL COMPANY LLC

NOW COMES TXU Energy Retail Company LLC (TXU Energy) and files this Motion to Intervene in the above-referenced proceeding pursuant to Commission Procedural Rules §22.103 and 22.104, and in support thereof, respectfully shows as follows:

I. BASIS FOR INTERVENTION

On April 30, 2012, Texas New Mexico Power Company (TNMP) filed its application for approval of an adjustment to its Energy Efficiency Cost Recovery Factor (EECRF). TNMP will recover the EECRF through a charge to retail electric providers (REPs). Because TXU Energy is a retail electric provider (REP) providing electric service to customers within TNMP's service territory, TXU Energy would be directly and substantially affected by the outcome of this docket and would be responsible for billing customers for any cost recovery allowed. Therefore, TXU Energy has a justiciable interest that may be adversely affected by the outcome of the proceeding.

II. CONTACT INFORMATION

TXU Energy's authorized legal representative in this proceeding is:

John L. Munn
Senior Regulatory Counsel, TXU Energy
6555 Sierra Boulevard, 3rd Floor
Irving, Texas 75039
972.868.2823
972.556.6119 (facsimile)
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TXU Energy's authorized regulatory representative in this proceeding is:

Chris Rowley
6555 Sierra Boulevard, 1st Floor
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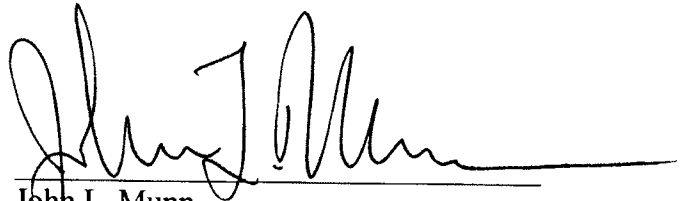
All pleadings, orders, and other documents in this proceeding should be served on TXU Energy's legal and regulatory representatives.

III. REQUEST FOR RELIEF

For the reasons stated in this Motion to Intervene, TXU Energy has a substantial and justiciable interest that may be adversely affected by the outcome of this docket. TXU Energy therefore respectfully requests that the Commission grant this Motion to Intervene and allow TXU Energy to participate in this proceeding as a party. TXU Energy further asks that the Commission grant TXU Energy any other relief to which it may be entitled.

Respectfully submitted,

By:



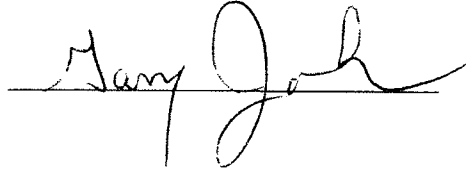
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**ATTORNEY FOR
TXU ENERGY RETAIL COMPANY LLC**

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record in this proceeding on May 21, 2012, by either facsimile or first class U.S. mail.

A handwritten signature in black ink, appearing to read "Mary Jo", is written over a horizontal line.