



Control Number: 40348



Item Number: 2

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Donna L. Nelson
Chairman

Kenneth W. Anderson, Jr.
Commissioner

Rolando Pablos
Commissioner

Brian H. Lloyd
Executive Director



Rick Perry
Governor

Public Utility Commission of Texas

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COMMISSION

TO: State Office of Administrative Hearings

FROM: Stephen Journeay
Director, Commission Advising & Docket Management

RE: Order of Referral
P.U.C. Docket No. 40348; SOAH Docket No. 473-12-6064 – *Application of Texas New Mexico Power Company for approval of an Energy Efficiency Cost Recovery Factor*

DATE: May 1, 2012

Enclosed herewith are the following documents related to the above referenced application:

1. Application and Commission file in the above referenced docket*
2. Request for assignment of Administrative Law Judge
3. Order of Referral

cc: without Items 1 and 2: All Parties of Record

*Referred file contains all filings through April 30 2012

/rh
Q/CADM/Orders/Referral/40000/40348

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**P.U.C. DOCKET NO. 40348
SOAH DOCKET NO. 473-12-6064**

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

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ORDER OF REFERRAL

The Public Utility Commission of Texas (Commission) refers this docket to the State Office of Administrative Hearings (SOAH) and requests the assignment of an administrative law judge (ALJ) to conduct a hearing and issue a proposal for decision, if such is necessary in the event one or more issues are contested by the parties.

In order to develop a list of the issues to be addressed in this docket, as well as any necessary statement of Commission policy, precedent, and/or position on any threshold legal or policy issue(s) relevant to this proceeding, Texas New Mexico Power Company shall, and the Commission Staff and any other interested party may, file with the Commission a list of issues to be addressed in the docket by **May 8, 2012**. This pleading may also (1) identify any issue(s) which should not be addressed in the docket, and (2) identify any threshold legal and/or policy issue(s) which should be briefed for purposes of a preliminary order. Specific explanations should support proposals included in the pleading pursuant to (1) and (2). Parties shall not file responses to any pleading submitted in response to this Order, unless specifically requested.

All subsequent pleadings in this docket must contain both the SOAH and PUC docket numbers to allow for efficient processing. Parties shall make filings in accordance with P.U.C. PROC. R. 22.71(c) regarding the number of copies to be filed or P.U.C. PROC. R. 22.71(d)(c) regarding the number of confidential items to be provided.

The Commission will issue and provide to SOAH a preliminary order which includes a list of issues and areas that must be addressed in this proceeding, pursuant to TEX. GOV'T CODE ANN. § 2003.049(e) (Vernon 2008 & Supp. 2011), and any necessary statement of Commission policy, precedent, or position on threshold issues, or

combination thereof, relevant to this proceeding, pursuant to TEX. GOV'T CODE ANN. § 2001.058(c) (Vernon 2008 & Supp. 2011). The Commission will consider and possibly adopt a preliminary order in this docket in the open meeting currently scheduled to convene on **May 18, 2012**.

Pursuant to P.U.C. SUBST. R. 25.181(f)(10), except where good cause supports a different procedural schedule, the Commission shall issue a final order in this proceeding within 60 days after a sufficient application is filed, if no hearing is requested within 30 days of the filing of the application; or within 120 days after a sufficient application is filed, if a timely request for a hearing is made. If a hearing is requested, the hearing will be held no earlier than the first working date after the 45th day after a sufficient application is filed.

SIGNED AT AUSTIN, TEXAS the 18 day of May 2012.

PUBLIC UTILITY COMMISSION OF TEXAS



STEPHEN JOURNEAY
DIRECTOR, COMMISSION ADVISING & DOCKET
MANAGEMENT