



Control Number: 40348



Item Number: 41

Addendum StartPage: 0

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

<b>APPLICATION OF TEXAS NEW</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>MEXICO POWER COMPANY FOR</b>	<b>§</b>	
<b>APPROVAL OF AN ENERGY</b>	<b>§</b>	<b>OF</b>
<b>EFFICIENCY COST RECOVERY</b>	<b>§</b>	
<b>FACTOR</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

RECEIVED  
12 JUN - 7 11 36  
FILED CLERK

**SOAH ORDER NO. 4  
GRANTING MOTION TO CONSOLIDATE AND  
DISMISSING P.U.C. DOCKET NO. 39642 FROM SOAH'S DOCKET**

On April 29, 2011, Texas-New Mexico Power Company (TNMP) filed its Application for Approval of an Energy Efficiency Cost Recovery Factor (EECRF), which was assigned P.U.C. Docket No. 39362. Cities Served by TNMP (Cities) intervened and participated in that proceeding. The parties to P.U.C. Docket No. 39362 settled all issues except for the issue of whether Cities' rate case expenses incurred to participate in that proceeding were reasonable and necessary. Accordingly, the Administrative Law Judge (ALJ) severed the issue of Cities' rate case expenses.<sup>1</sup> The new docket for Cities' severed rate case expenses was assigned P.U.C. Docket No. 39642 and SOAH Docket No. 473-11-8643.

In February of 2012, TNMP and Cities, as parties to Docket No. 39642, agreed that since TNMP's 2013 EECRF filing would be filed in approximately two months, that proceeding would be the proper vehicle for the consideration of Cities' rate case expenses from Docket No. 39362.<sup>2</sup> Accordingly, on February 29, 2012, the ALJ granted the Joint Motion to Abate, pending consolidation with TNMP's 2013 EECRF proceeding.<sup>3</sup> On May 1, 2012, TNMP filed its 2013 EECRF application, and that case was assigned P.U.C. Docket No. 40348 and SOAH Docket No. 473-12-6064.

<sup>1</sup> *Application of Texas-New Mexico Power Company for Approval of an Energy Efficiency Cost Recovery Factor*, Docket No. 39362, SOAH Order No. 6 (Aug. 8, 2011).

<sup>2</sup> *Request of Cities Served by Texas-New Mexico Power Company for Rate Case Expenses Severed from PUC Docket No. 39362*, Docket No. 39642, Joint Motion to Abate (Feb. 27, 2012) (pending).

<sup>3</sup> *Request of Cities*, Docket No. 39642, SOAH Order No. 4 (Feb. 29, 2012) (pending).

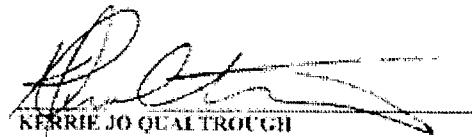
41

On May 30, 2012, TNMP and Cities filed an Unopposed Motion to Consolidate, requesting the consolidation the two remaining cases. These two parties agree that P.U.C. PROC. R. 22.34 contemplates the consolidation of proceedings if consolidation would be conducive to administrative efficiency and the conservation of time and resources. TNMP and Cities assert that consolidation of Docket Nos. 39642 and 40348 would accomplish those goals. According to the unopposed motion, TNMP has already included in its current application a request for reimbursement of both TNMP's and Cities' rate case expenses from Docket Nos. 39362 and 39642. TNMP and Cities maintain that it would be more efficient to consider the outstanding rate case expenses from Docket Nos. 39362 and 39642, as well as the rate case expenses for Docket No. 40348, in one proceeding. Therefore, the two parties assert that consolidation of Docket Nos. 39642 and 40348 is appropriate under P.U.C. PROC. R. 22.34. No party objected to the May 30, 2012 Unopposed Motion to Consolidate.

Therefore, it is ordered:

1. The May 30, 2012 Unopposed Motion to Consolidate is **GRANTED**.
2. *Request of Cities Served by Texas-New Mexico Power Company for Rate Case Expenses Severed from P.U.C. Docket No. 39362, P.U.C. Docket No. 39642, SOAH Docket No. 473-11-8643, is **CONSOLIDATED FOR ALL PURPOSES** with Application of Texas-New Mexico Power Company for Approval of an Energy Efficiency Cost Recovery Factor, P.U.C. Docket No. 40348, SOAH Docket No. 473-12-6064.*
3. All future filings in P.U.C. Docket No. 39642 must be filed in P.U.C. Docket No. 40348.
4. *Request of Cities Served by Texas-New Mexico Power Company for Rate Case Expenses Severed from P.U.C. Docket No. 39362, P.U.C. Docket No. 39642, SOAH Docket No. 473-11-8643, is **DISMISSED** from the docket of the State Office of Administrative Hearings.*

Signed June 6, 2012.

  
KERRIE JO QUALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS