



Control Number: 41496



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**SOAH DOCKET NO. 473-13-4304  
PUC DOCKET NO. 41496**

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PUBLIC UTILITY COMMISSION  
FILING CLERK

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

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S THIRD REQUEST FOR INFORMATION TO  
TEXAS-NEW MEXICO POWER COMPANY (TNMP)  
QUESTION NOS. STAFF 3-1 THROUGH STAFF 3-5**

The Commission Staff of the Public Utility Commission of Texas (Staff) requests that Texas-New Mexico Power Company (TNMP) provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide an original and three copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

**DATED: June 12, 2013**

Respectfully Submitted,

Joseph P. Younger  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division

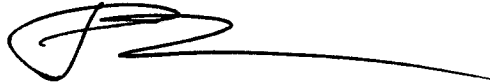


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John M. Zerwas, Jr.  
Attorney – Legal Division  
State Bar No. 24066329  
(512) 936-7297  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 12, 2013 in accordance with Public Utility Commission of Texas Procedural Rule 22.74.



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John M. Zerwas, Jr.

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**COMMISSION STAFF'S THIRD REQUEST FOR INFORMATION TO  
TEXAS-NEW MEXICO POWER COMPANY (TNMP)  
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**DEFINITIONS AND INSTRUCTIONS**

**"Applicant," "TNMP," "Company"** and **"you,"** refers to Texas-New Mexico Power Company its affiliates and any person acting or purporting to act on its behalf including without limitation: subsidiaries, attorneys, agents, advisors, investigators, representatives, employees or other persons.

The terms **"document"** or **"documents"** are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced or reproduced by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms including writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, electronic storage of any type, data on computer drives, e-mails, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. "Document" or "documents" shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, Staff specifically requests that any electronic or magnetic data (which is included in the definition of "document") that is responsive to a request herein be produced on CD-ROM in a format that is compatible with Microsoft Office software and be produced with your response to these requests.

The terms **"and"** and **"or"** shall be construed as either disjunctive or conjunctive as necessary to make the request inclusive rather than exclusive.

“**Each**” shall be construed to include the word “**every**” and “**every**” shall be construed to include the word “**each**.”

“**Any**” shall be construed to include “**all**” and “**all**” shall be construed to include “**any**.”

The term “**concerning**” includes the following meanings: relating to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically, or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

The term “**including**” means and refers to “including but not limited to.”

Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

Pursuant to P.U.C. Proc. R. 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references.

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- Staff 3-1**      Please provide the Company's projected 2014 4-CP kW by EECRF rate class.
- Staff 3-2**      Please provide the Company's projected 2014 4-CP kW by EECRF rate class, excluding opt-out customers.
- Staff 3-3**      Please refer to the Direct Testimony of Stacy R. Whitehurst at Exhibit SRW-7. Please explain the discrepancy between the 2014 forecasted EECRF billing kWh listed in line 16 of that sheet and the 2013 LRP Energy Forecast for 2014 listed in WP/Allocation attached to that same testimony at lines 24-29.
- Staff 3-4**      Please provide the Company's projected 2014 kWh by EECRF rate class, excluding opt-out customers.
- Staff 3-5**      Please show the assignment and allocation of the Company's 2013 energy efficiency budget by program by EECRF rate class, as approved in Docket No. 40348. Please separate out for incentives, administrative, and research and development budgets.