

Control Number: 44778



Item Number: 17

Addendum StartPage: 0

**SOAH DOCKET NO. 473-15-4091
PUC DOCKET NO. 44778**

**APPLICATION OF TEXAS-NEW
MEXICO POWER COMPANY TO
ADJUST ENERGY EFFICIENCY COST
RECOVERY FACTOR**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2015 JUN 12 AM 9:29

FILING CLERK

COMMISSION STAFF'S RESPONSE TO SOAH ORDER NO. 1

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to SOAH Order No. 1.

I. Background

On May 29, 2015, Texas-New Mexico Power Company (TNMP) filed an application to adjust its energy efficiency cost recovery factor (EECRF) for program year 2016 pursuant to § 39.905 of the Public Utility Regulatory Act (PURA)¹ and 16 Tex. Admin. Code § 25.181(f) (TAC). On June 9, 2015, the State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) issued SOAH Order No. 1 requiring Staff to file its approval of notice on or before June 12, 2014. Therefore, this pleading is timely filed.

II. Comments Regarding Sufficiency of the Application

Staff has reviewed TNMP's application and finds the application provides the information requested in 16 TAC § 25.181(f). TNMP filed the application on May 29, 2015 as required by 16 TAC 25.181(f)(8). 16 TAC § 25.181(f)(10) requires an EECRF application to include testimony and schedules in Excel format, with formulas intact retail rate class for the prior program year and program year for which proposed EECRF will be collected. The rule also requires 13 additional metrics be included in the application under 16 TAC § 25.181(f)(10). Pursuant to 16 TAC § 25.181(f)(11), the application must include 10 factors, as applicable, to support the recovery of energy efficiency costs.

Staff recommends TNMP's application be deemed sufficient. TNMP's application included testimony of three subject matter experts to support its application. Further, TNMP provided Excel spreadsheets with formulas broken down by retail rate class for 2014 and 2016. The 13 elements listed in 16 TAC § 25.181(f)(10) and the 10 factors listed in 16 TAC § 25.

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2007 & Supp. 2014) (PURA).

181(f)(11) are substantive in nature. A review indicates that TNMP provided, addressed, or at least attempted to address all of the elements required in 16 TAC § 25.181(f)(10) and (11). Staff reserves the right to later assert certain thresholds required by those provisions may require TNMP to supplement the application. Further, Staff may also require TNMP supplement its application following discovery.

III. Approval of Notice

Staff has reviewed the proof of notice filed by TNMP and finds the notice satisfies the requirements of 16 TAC § 25.181(f)(13) and (14). TNMP's proof of Notice includes an affidavit attesting that TNMP provided direct notice to counsel for each party that participated in TNMP's most recent base rate case, Docket No. 38480,² each party that participated in TNMP's last EECRF filing, Docket No. 42566,³ all Retail Electric Providers (REPs) authorized to provide service in TNMP's service area at the time the EECRF application is filed, and to the Texas Department of Housing and Community Affairs. The affidavit in the proof of notice also attests that TNMP completed notice on June 1, 2015, by the parties with a Notice of Rate Change Request via facsimile transmission or USPS First-Class mail. Additionally, TNMP filed its proof of notice on June 3, 2015 well within the 14 days of filing the application as required by 16 TAC § 25.181(f)(14). Therefore, Staff recommends approval of the TNMP's notice.

IV. Conclusion

Staff respectfully recommends approval of TNMP's notice in this proceeding.

² *Application of Texas-New Mexico Power Company for Authority to Change Rates*, Docket No. 38480.

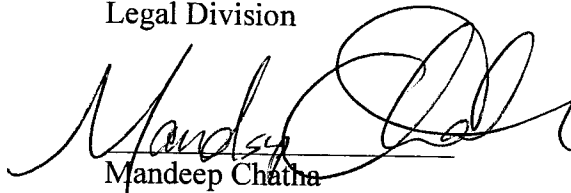
³ *Application of Texas-New Mexico Power Company to Adjust Energy Efficiency Cost Recovery Factor*, Docket No. 42566.

Dated: June 12, 2015

Respectfully Submitted,

Margaret Uhlig-Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

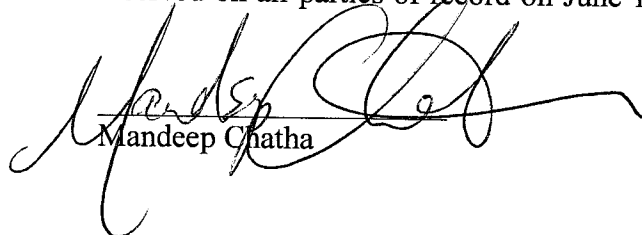


Mandeep Chatha
Attorney-Legal Division
State Bar No. 24082803
(512) 936-7163
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

SOAH DOCKET NO. 473-15-4091
PUC DOCKET NO. 44778

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 12, 2015 in accordance with 16 TAC § 22.74.



Mandeep Chatha