

Control Number: 46831



Item Number: 477

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SOAH DOCKET NO. 473-17-2686  
PUC DOCKET NO. 46831

2017 JUN 16 PM 2:35

APPLICATION OF EL PASO  
ELECTRIC COMPANY TO CHANGE  
RATES

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RECEIVED  
BEFORE THE STATE OFFICE  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
ADMINISTRATIVE HEARINGS

**EL PASO ELECTRIC COMPANY'S  
FIRST REQUEST FOR INFORMATION TO ECO ELP, INC.**

El Paso Electric Company (EPE) requests that ECO ELP, Inc. (ECO El Paso) answer under oath this First Request for Information (RFI), numbered EPE 1-1 through EPE 1-22. The answers should be provided in sufficient detail to present all relevant facts. These requests are deemed to be continuing and require further and supplemental responses from a party if it receives or generates additional information within the scope of these data requests between the time of the original responses and the time of the hearing in this proceeding. These responses are due within seven (7) calendar days of service in accordance with SOAH Order No. 2.

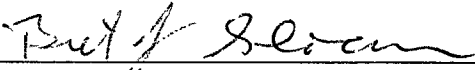
This is a request to fully respond to the attached RFIs and to produce any of the designated documents or tangible things that are described in the attached RFIs. Production of responses to the designated Requests should be made to:

Curtis Hutcheson  
Sr. Regulatory Case Manager  
El Paso Electric Company  
100 N. Stanton Street  
El Paso, Texas 79901  
(915) 543-4354  
(915) 521-4450 fax)  
[curtis.hutcheson@epelectric.com](mailto:curtis.hutcheson@epelectric.com)

Respectfully Submitted,

Adrian Rodriguez  
Vice President – General Counsel &  
Assistant Secretary  
State Bar No. 24065989  
El Paso Electric Company  
100 N. Stanton  
El Paso, Texas 79901  
Telephone: (915) 543-5735  
Facsimile: (915) 521-4747

Casey Wren  
State Bar No. 22019300  
[cwren@dwmrlaw.com](mailto:cwren@dwmrlaw.com)  
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State Bar No. 18508200  
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Leslie M. Padilla  
State Bar No. 24084628  
[lpadilla@dwmrlaw.com](mailto:lpadilla@dwmrlaw.com)  
Duggins Wren Mann & Romero, LLP  
P.O. Box 1149  
Austin, Texas 78767  
(512) 744-9300  
(512) 744-9399 (fax)

By:   
Bret J. Slocum

**ATTORNEYS FOR EL PASO  
ELECTRIC COMPANY**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was served by electronic mail as provided for by SOAH Order No. 2 to all parties of record in this proceeding on June 16, 2017, except for Dr. Marjenah M. Fooladi who has failed to provide an email address.

  
Bret J. Slocum

## **DEFINITIONS AND INSTRUCTIONS**

1. A reference to “EPE” or the “Company” shall mean El Paso Electric Company.
2. The term “Commission” refers to the Public Utility Commission of Texas.
3. Reference to “you” or “your” means all divisions, departments, bureaus, or agencies of the party served, and all witnesses whose testimony the respective party to which this Request is submitted intends to present to the Public Utility Commission of Texas, and all persons acting or purporting to act for or on behalf of the respective party, including all staff, employees, agents, representatives, attorneys, consultants, economists, engineers, and accountants.
4. “Document” or “documents” is intended to be comprehensive and shall mean every original (or an identical copy if the original is unavailable) and every copy which differs in any way from the original of every writing, recording (e.g., photograph, videotape, audiotape), or other tangible expression, whether handwritten, typed, drawn, sketched, printed, or recorded by any physical, mechanical, electronic, or electrical means whatsoever, and shall be construed to the fullest extent of the P.U.C. Procedural Rules and the Texas Rules of Civil Procedure, and shall include, without limitation all agreements, contracts, communications, correspondence, letters, telegrams, telexes, messages, memoranda, records, reports, books, summaries, tape recordings or other records of personal conversations, minutes or summaries or other records of meetings and conferences, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, financial statements, work sheets, workpapers, drafts, graphs, maps, charts, tables, accounts, analytical records, consultants’ reports, appraisals, bulletins, brochures, pamphlets, circulars, trade letters, press releases, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, advertising, recommendations, printouts, compilations, tabulations, analyses, studies, surveys, transcripts of hearings, transcripts of testimony, affidavits, expense reports, microfilm, microfiches, articles, speeches, tape or disk recordings, sound recordings, video recordings, film, tape, photographs, punch cards, programs, data compilation from which information can be obtained (including matter used in data processing) and other printed, written, handwritten, typewritten, recorded,

- stenographic, computer-generated, computer-stored, electronically-stored matter, however and by whomever produced, prepared, reproduced, disseminated, or made.
5. “Person” means any natural person, firm, association, partnership, joint venture, corporation, estate, trust, receiver, syndicate, municipal corporation, government agency, any other form of legal entity, and other group or combination acting as a unit.
  6. “Relating to” a subject means making a statement about, mentioning, referring to, discussing, describing, reflecting, identifying, dealing with, consisting of, constituting or in any way pertaining, in whole or in part, to the subject.
  7. The words “communication” or “communications” include any verbal conversations or any other statement from one person to another, including but not limited to, any interview, conference, conversation, discussion, meeting or telephone conversation.
  8. “Identify” means:
    - a. as to a “person,” stating his, her or its:
      - (i) legal, full and customarily used names;
      - (ii) present residential or business address;
      - (iii) job title; and
      - (iv) name of employer.
    - b. as to a document, act, event, transaction or occurrence, stating:
      - (i) its date, authors or participants;
      - (ii) the place where it took place, was created or occurred;
      - (iii) its purpose and subject matter; and
      - (iv) a concise description of what transpired.
  9. “Including” means and refers to “including but not limited to.”
  10. Use of the singular or plural word form in a data request is not to be interpreted to exclude information or documents from the scope or intent of the specific request.
  11. For each response, please restate the RFI and identify the individual(s) responsible for preparing and sponsoring the response by name and title.
  12. For each document produced that is generated by computer, please identify:
    - a. the nature and source of the data constituting the input;
    - b. the form of the input (*e.g.*, tapes, punch cards);
    - c. the recording system employed (*e.g.*, program, flow charts); and

- d. the person(s) responsible for processing the input and/or performing the programming.
13. If the response to any request is voluminous, please provide a detailed index of the voluminous material, pursuant to 16 TEX. ADMIN. CODE § 22.144(h)(4).
  14. If the information requested was included in previously furnished exhibits, schedules, work papers, responses to other discovery inquiries, or otherwise, in hard copy or electronic format, please furnish specific references to the previously furnished materials, including Bates Stamp page citations and detailed cross-references.
  15. If, in answering any of these requests, there is any ambiguity in interpreting either the request or a definition or instruction applied thereto, please contact EPE's attorneys, Bret Slocum at (512) 703-4531 or Mark Held at (512) 703-4539.
  16. If an RFI calls for production of a document that was, but is no longer, in your possession, or subject to your control, or in existence, state whether it:
    - a. is missing or lost;
    - b. has been destroyed;
    - c. has been transferred, voluntarily or involuntarily to others; or
    - d. has been otherwise disposed of; and in each instance, explain the facts concerning how the document became unavailable; state the date or approximate date of the unavailability; the contents of the document; and the person who authorized the transfer, destruction or other disposition of said document. Documents prepared prior to, but which relate to or refer to, the time period covered by these RFIs are to be identified.
  17. If you decline to respond to any request for information or data on the basis of privilege, please state as to each such request an explanation for the refusal. Identify those documents and communications that are withheld from the response to each specific data request. The identification shall be served within the time specified by the presiding examiner for this proceeding and in accordance with the Rules of the Commission, and shall:
    - a. specify the date of the document, its author(s) (with title and designation if an attorney), and recipients (with title and designation if an attorney);
    - b. contain a brief summary of the subject matter of the document; and

- c. contain a brief statement of the reason that, in your opinion, the assertion of privilege is justified.

**SOAH DOCKET NO. 473-17-2686**

**PUC DOCKET NO. 46831**

**EL PASO ELECTRIC COMPANY'S  
FIRST REQUEST FOR INFORMATION TO ECO ELP, INC.**

**EPE 1-1** In paragraph four of its Motion to Intervene, ECO El Paso states:

4. ECO El Paso is a non-profit association formed to promote the interests of ecofriendly and energy efficient design, construction, and facility management of solar powered electricity and its principal purpose in this proceeding is to address EPE's proposed change in rates that affect ECO El Paso's and its members interests.

- a. Provide any analysis ECO El Paso has performed or that ECO El Paso has in its possession concerning the economic efficiency of rooftop solar facilities versus utility-sized solar facilities.

**EPE 1-2** In paragraph five of its Motion to Intervene, ECO El Paso states:

5. ECO El Paso's members for this case affected by EPE's proposed change in rates are:

Frederic Dalbin  
2408 Red Bluff  
El Paso, Texas 79930  
(915) 562-9627

Robert Moss  
4312 Marcus Uribe  
El Paso, Texas 79934  
(915) 726-6545

Robert Garland  
1821 N Kansas St  
El Paso, Texas 79902  
(915) 373-8363

Shelby Ruff  
6437 Los Robles Drive  
El Paso, Texas 79902  
(512) 775-1360

Hector Saenz  
109 N. Mesa Ave #2A  
El Paso, Texas 79902  
(915) 302-0111



Rev. Robert E. Mosher  
Columban Mission Center  
816 Magoffin Avenue  
El Paso, Texas 79901  
(877) 299-1920

- a. For each of these persons, provide all correspondence concerning EPE's rate application between ECO El Paso and the named person.
- b. For each of these persons, state whether they currently have interconnected distributed generation.
- c. If so, provide a copy of the contract or agreement providing for the installation of the distributed generation.

**EPE 1-3** In paragraph six of its Motion to Intervene, ECO El Paso states, "EPE's Application proposes to create a new solar rate class, which adversely impacts, and discriminates against, customers with distributed rooftop solar systems."

- a. Provide any analysis of the adverse impacts EPE's new solar rate class would have on these named individuals.
- b. What does ECO El Paso mean by "discriminates against?"
- c. Would ECO El Paso consider the creation of a separate rate class by itself to be discrimination against a customer?
- d. Would ECO El Paso consider a cost based increase in rates by itself to be discrimination against a customer?
- e. Provide any analysis that supports the claim that EPE's proposed rate design is discriminatory.
- f. Admit or deny that interconnected distributed generation is the only electric apparatus or appliance that a residential customer could have that would produce electricity that could result in a rollback of the customer's meter. If denied, explain why it was denied.

**EPE 1-4** Provide a list of all of ECO El Paso members.

**EPE 1-5** Provide a list of all of ECO El Paso members who provide solar power products within EPE's service area.

**EPE 1-6** Please provide a list of all members whose residence or chief place of business is in El Paso Electric Company's service area.

**EPE 1-7** Provide a copy of ECO El Paso's articles of incorporation.

**EPE 1-8** How is ECO El Paso funded?

**EPE 1-9** If funded by contributions or donations, provide a list of all donors donating more than \$10,000.

**EPE 1-10** Provide a copy of all communications by ECO El Paso with members concerning EPE's rate applications in Docket Nos. 44941 or 46831.

- EPE 1-11** Provide a copy of any analysis by ECO El Paso or any of its members of the market potential, including any analysis of the potential number of El Paso Electric Company's customers that would install solar distributed generation, in El Paso Electric Company's service territory or part thereof.
- EPE 1-12** Provide a copy of any analysis or data compilation of the income or income level of El Paso Electric Company's residential customers for which ECO El Paso members have installed distributed generation.
- EPE 1-13** Provide any study or analysis that indicates the effect of adding rooftop solar to a home has on the home's appraised value in any county in EPE's service territory.
- EPE 1-14** Please provide any study showing that the installation of DG by customers immediately affects the utility's current costs, other than displaced fuel or purchased power costs.
- EPE 1-15** Please provide any study in your possession regarding whether net metering encourages the installation of solar DG.
- EPE 1-16** Please provide any promotional materials that members of ECO El Paso have used or intend to use to market solar distributed generation to customers of EPE, including any print material and scripts of television or radio promotions.
- EPE 1-17** Please provide any scripts for salespersons employed or contracted by members of ECO El Paso that were used or members of ECO El Paso intends to use to market solar distributed generation to the customers of EPE.
- EPE 1-18** Provide any reports or analyses concerning the average income of the person that installs solar distributed generation.
- EPE 1-19** Do members of ECO El Paso target its sales efforts to persons of particular income levels? If so, please explain.
- EPE 1-20** Please provide any analysis regarding the impact on the business prospects of members of ECO El Paso, including the effect on profits, of EPE's proposals in this proceeding and in Docket 44941 regarding rates for customers with DG.
- EPE 1-21** Please provide any analysis regarding the impact on DG customers, including potential DG customers, of EPE's proposals in this proceeding and in Docket No. 44941 regarding rates for customers with DG.
- EPE 1-22** If the Commission sets different rates for customers with DG, is it ECO El Paso's position that existing customers with DG should be exempted (grandfathered) from the new rate structure? If so, please explain why, including any analysis of whether such grandfathering would be unreasonably discriminatory or preferential.