EL PASO ELECTRIC COMPANY

SOAH Docket No. 473-17-2686
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- b. EPE, the city of El Paso, and the Coalition agreed with Commission Staff to submit their final invoices for rate case expenses to be recovered from ratepayers by August 5, 2016, to allow Commission Staff review, and EPE, the city of El Paso, and the Coalition did so. The City of Socorro also submitted its invoices.
- c. Commission Staff concluded after review of the invoices submitted by EPE and its municipalities that the total amount of rate case expenses to be recovered under the amended and restated agreement is \$3,127,384.49, and given the circumstances and the agreed reduction in the actual expenses reflected in this total, this amount was a reasonable and necessary expense.
- 47. Under the amended and restated agreement, if the Commission considers a final order in more than one open meeting and requires the parties to brief a matter, the rate case expense deadline shall be 14 days prior to the date of the open meeting in which the Commission adopts a final order.
- 48. Under the amended and restated agreement, there would be no recovery from ratepayers of rate case expenses incurred by EPE after the rate case expense deadline.
- 49. EPE agreed to reimburse the reasonable rate case expenses of a municipality entitled to reimbursement of rate case expenses under § 33.023 of PURA<sup>2</sup> (in this Docket No. 44941, those parties being the city of El Paso, Coalition, and the City of Socorro) incurred after the rate case expense deadline, but under the amended and restated agreement, such expenses would not be recoverable from ratepayers.
- 50. The amount of rate case expenses to be surcharged is \$3,127,384.49. Under the amended and restated agreement, recoverable rate case expenses shall be collected through a separate rate case expense surcharge that will be based on the expenses being amortized over two years and allocated to customer classes as illustrated in Attachment E to the amended and restated agreement. EPE shall cease billing of the rate case expense surcharge in the month that the total approved amount has been collected. The amount of any over-recovery or

Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2016) (PURA).

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under-recovery of the approved rate case expense surcharge amounts by class shall be included in the deferred fuel balance for that class as a refund or surcharge, respectively.

## Consistency of the Amended and Restated Agreement with PURA and Commission Requirements

51. The amended and restated agreement is the result of good faith negotiations by the parties, and these efforts, as well as the overall result of the amended and restated agreement viewed in light of the record as a whole, support the reasonableness and benefits of the terms of the amended and restated agreement.

#### Revenue Requirement

- 52. The \$37 million revenue requirement increase, together with the Four Corners incremental rate recovery amount (both effective for consumption on and after January 12, 2016), contemplated by the amended and restated agreement will allow EPE the opportunity to earn a reasonable return over and above its reasonable and necessary operating expenses.
- 53. The \$37 million revenue requirement increase in the amended and restated agreement is consistent with applicable provisions of Chapter 36 of PURA and Commission rules.
- 54. The \$3.7 million Four Corners incremental rate recovery amount is a reasonable resolution of that issue.
- 55. The record supports the inclusion in rate base of all of EPE's capital additions from July 1, 2009 through March 31, 2015, except for the Copper gas turbine (which shall continue to be excluded from rates) and the Newman Elevated Solar Facility (whose rate base treatment is reserved for EPE's next rate proceeding).
- 56. The approval of the capital additions in rate base has no bearing on the Four Corners incremental rate recovery amount.
- A return on equity of 9.7%, effective January 12, 2016, only for purposes of calculating allowance for funds used during construction is reasonable.
- 58. It is reasonable for purposes of this proceeding to adopt the depreciation rates proposed by the amended and restated agreement. The adopted depreciation rates are set forth in Attachment A to the amended and restated agreement.

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- 59. It is also reasonable that, effective January 1, 2016, EPE will record all gains or losses for the retirement of transportation equipment as a component of accumulated provision for depreciation and amortization of electric plant (FERC Account Number 108).
- 60. It is reasonable that, effective January 1. 2016, EPE will begin normalizing state income tax expense in accordance with the amended and restated agreement and amortizing over a 15-year period the test year-end balance of accumulated deferred state income tax expense that has not yet been included in cost of service.
- 61. It is reasonable that, effective February 1, 2016, EPE's rates will be deemed not to include funding for Palo Verde Nuclear Generating Station decommissioning.
- 62. It is reasonable that EPE shall be allowed, in its discretion, to make contributions to the decommissioning funds, if any. it deems prudent or necessary.
- 63. It is reasonable that, effective January 1, 2016, EPE's expenses for environmental consumables (within the meaning of 16 Texas Administrative Code (TAC) § 25.236(a)(3) will be removed from base rates and be recovered as eligible fuel costs.
- 64. It is reasonable that EPE recover its rate case expenses in the manner specified in the amended and restated agreement.

## Allocation of Revenue

- 65. The allocation of the \$37 million revenue increase among rate classes in Attachment B to the amended and restated agreement is just and reasonable.
- 66. The allocation of the \$3.7 million Four Corners incremental rate recovery amount from among rate classes in Attachment C to the amended and restated agreement is just and reasonable.
- The allocation of the rate case expenses among rate classes in Attachment E to the amended and restated agreement is just and reasonable.

## Rate Design and Tariff Approval

- 68. The \$6.90 customer charge for Rate 1. Residential Service, specified by the amended and restated agreement, is reasonable.
- 69. Exempting residential customers from the Schedule DG application fee is reasonable.

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- 70. The \$9.95 customer charge for Rate 2, Small General Service, specified by the amended and restated agreement, is reasonable.
- 71. It is reasonable that the customer charge for Rate 24, General Service, shall be \$27.50, with the balance of the increase distributed to this class to be accomplished by increasing the other base charges by an equal percentage, as specified in the amended and restated agreement.
- 72. A rate limiter to be applied for Rate 24, General Service, regarding houses of worship, as shown in Rate Schedule 24A, is reasonable:
- 73. A rate limiter to be applied for the two customer accounts migrating from Rate 43 to Rate 25, Large Power Service, as described in Rate Schedule 25, is reasonable.
- 74. It is reasonable that the increase distributed to Rate 41 shall be applied by increasing each of the components of the monthly base rate by an equal percentage, as the amended and restated agreement specifies.
- 75. It is also reasonable that, in its next rate proceeding, EPE will provide for informational purposes a cost of service analysis that presents Rate 41 as a separate class even if EPE proposes to eliminate the class in that proceeding.
- 76. It is reasonable not to adopt EPE's proposed provision for Highly Variable Demand.
- 77. It is reasonable to address EPE's proposed Community Solar tariff in the separately pending proceeding, Docket No. 44800,<sup>3</sup> and not in this proceeding.
- 78. It is reasonable that EPE's existing Demand and Energy Loss Factors shall remain in effect, and that in its 2016 fuel reconciliation, EPE submit a System Loss Study for applicability in the fuel reconciliation period beginning April 1, 2016.
- 79. It is reasonable to approve a modified TOU rate for residential customers, which is based on an on-peak period of four months and six hours/day, with a customer charge of \$8.40 per customer per month.

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<sup>&</sup>lt;sup>3</sup> Application of El Paso Electric Company to Implement a Voluntary Community Solar Pilot Program in Texas, Docket No. 44800 (pending).

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- 80. The settlement rates reflected in the rate schedules included in Attachment D to the amended and restated agreement, including the additional tariff provisions reflected therein and in Sections 2 and 3 of EPE's proposed tariff, are just and reasonable.
- Surcharges in addition to the base rate increase are necessary to capture: (a) the fact that rates relate back to consumption on and after January 12, 2016; (b) the Four Corners incremental rate recovery amount is to be included in a separate surcharge, except for the time period subject to the relation back, and (c) recovery of rate case expenses.

#### II. Conclusions of Law

- 1. EPE is a public utility as that term is defined in PURA § 11.004(1) and an electric utility as that term is defined in PURA § 31.002(6).
- 2. The Commission exercises regulatory authority over EPE and jurisdiction over the subject matter of this application pursuant to PURA §§ 14.001, 32.001, 36.001 .211, and 39.552.
- SOAH has jurisdiction over this proceeding under PURA § 14.053 and Texas Government Code § 2003.049 (West 2016).
- 4. This docket was processed in accordance with the requirements of PURA and the Administrative Procedure Act, Tex. Government Code Chapter 2001 (West 2016).
- 5. EPE provided notice of its August 10, 2015, application in compliance with PURA § 36.103 and 16 TAC § 22.51(a) and (b).
- 6. The Commission has jurisdiction over an appeal from municipalities' rate proceedings pursuant to PURA § 33,051.
- Because the residential DG tariff provision was removed from the amended and restated agreement, no additional notice concerning that provision was necessary.
- 8. The amended and restated agreement, taken as a whole, is a just and reasonable resolution of all the issues it addresses, results in just and reasonable rates, terms, and conditions, is supported by a preponderance of the credible evidence in the record, is consistent with the relevant provisions of PURA, and, thus, should be approved.

SOAH Docket No. 473-17-2686 PUC Docket No. 46831 CEP's 10th, Q. No. CEP 10-2 Attachment 10 Page 14 of 16

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- 9. The revenue requirement, cost allocation, revenue distribution, and rate design contemplated by the amended and restated agreement result in rates that are just and reasonable, comply with the ratemaking provisions of PURA, and are not unreasonably discriminatory or preferential.
- 10. EPE's rates resulting from the amended and restated agreement are just and reasonable and meet the requirements of PURA § 36.003.
- 11. The amended and restated agreement resolves all issues pending in this docket.
- 12. The tariff sheets and rate schedules include in the amended and restated agreement are just and reasonable and accurately reflect the terms of the amended and restated agreement.
- 13. The Commission's adoption of a final order consistent with the amended and restated agreement satisfies the requirements of the Administrative Procedure Act §§ 2001.051 and 2001.056 without the necessity of a decision on contested case issues resulting from a hearing on the merits.
- 14. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

#### III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

- Consistent with the amended and restated agreement, EPE's application is approved.
- Consistent with the amended and restated agreement, the rates, terms, and conditions described in this Order are approved.
- Consistent with the amended and restated agreement, the tariffs, rate schedules and riders
  approved on an interim basis in SOAH Order No. 16 are approved as final.
- 4. EPE shall observe the depreciation rates approved in this Order until further order.
- 5. Effective January 1, 2016, EPE's expenses for environmental consumables (within the meaning of 16 TAC § 25.236(a)(3)) will be removed from base rates and will be allowed as eligible fuel expenses going forward and included in EPE's fixed fuel factor.

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- 6. Within 20 days of the date of this Order, EPE shall file a clean record copy of the approved tariffs to be stamped 'Approved' by Central Records and retained by the Commission.
- 7. Because the final approved rates except for the separate, additional surcharges for recovery of the Four Corners incremental rate recovery amount and rate case expenses are the same as the interim rates, no refunds of the interim rates are necessary.
- 8. EPE shall file proposed surcharge tariffs consistent with this Order within 20 days of the date of this Order in Compliance Surcharge Tariff for Final Order in Docket No. 44941 (Application of El Paso Electric Company to Change Rates), Tariff Control No. 46235. No later than 10 days after the date of the tariff filing, any intervenor in that proceeding may file comments on the individual sheets of the tariff. No later than 15 days after the date of the tariff filing, Commission Staff shall file its comments recommending approval, modification, or rejection of the individual sheets of the tariff. Responses to the Commission Staff's recommendation shall be filed no later than 20 days after the filing of the tariff. The Commission shall by letter approve, modify, or reject each tariff sheet, effective the date of the letter.
- 9. The surcharge tariff sheets shall be deemed approved and shall become effective on the expiration of 20 days from the date of filing, in the absence of written notification of modification or rejection by the Commission. If any surcharge sheets are modified or rejected, EPE shall file proposed revisions of those sheets in accordance with the Commission's letter within 10 days of the date of that letter, and the review procedure set out above shall apply to the revised sheets.
- 10. Copies of all tariff-related filings shall be served on all parties of record.
- 11. Entry of this Order consistent with the amended and restated agreement does not indicate the Commission's endorsement or approval of any principle or methodology that may underlie the amended and restated agreement. Entry of this Order shall not be regarded as precedent as to the appropriateness of any principle or methodology underlying the amended and restated agreement.

SOAH Docket No. 473-17-2686
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PUC Docket No. 44941 SOAH Docket No. 473-15-5257 Order

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12. All other motions, requests for entry of specific findings of fact, conclusions of law, and ordering paragraphs, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the 25th day of August 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

DONNA L. NELSON, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONEI

BRANDY MARTY MARQUEZ, COMMISSIONER

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

APPLICATION OF EL PASO § BEFORE THE STATE OFFICE ELECTRIC COMPANY TO § OF CHANGE RATES § ADMINISTRATIVE HEARINGS

## EL PASO ELECTRIC COMPANY'S RESPONSE TO CITY OF EL PASO'S TENTH REQUEST FOR INFORMATION QUESTION NOS. CEP 10-1 THROUGH CEP 10-6

## **CEP 10-3**:

Please identify when the Public Utility Commission of Texas first included OPEBs and pensions in expenses based on GAAP accounting instead of the actual funding level and provide the related statute, rule, or order.

## **RESPONSE**:

The Public Utility Commission of Texas (PUCT) allowed Other Post-Employment Benefits (OPEBs) expenses to be recovered on an accrual basis instead of the actual funding level as allowed by the terms of 16 Texas Administrative Code § 25.231(b)(H), beginning with the effective date of the Statement of Financial Accounting Standard (SFAS) No. 106 – Employers' Accounting for Postretirement Benefits Other Than Pensions in 1993.

The PUCT allowed Pension expenses to be recovered on an accrual basis instead of the actual funding level pursuant to Section 36.065 of the Public Utility Regulatory Act (PURA), effective January 1, 2005.

Preparer: Steven Sierra Title: Supervisor-Financial Accounting

Sponsor: Russell G. Gibson Title: Vice President-Controller

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

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY TO	§	OF
CHANGE RATES	§	ADMINISTRATIVE HEARINGS

# EL PASO ELECTRIC COMPANY'S RESPONSE TO CITY OF EL PASO'S TENTH REQUEST FOR INFORMATION QUESTION NOS. CEP 10-1 THROUGH CEP 10-6

#### CEP 10-4:

Please provide the following information from the rate case filed subsequent to the date identified in the previous response:

- a. The amount the Company requested for OPEBs and for pensions
- b. Complete workpapers for adjustments to OPEBs and to pensions.
- c. Testimony (or other evidence) identifying whether the amounts the Company requested for OPEBs or Pensions was based on GAAP accounting or actual funding.
- d. Adjustments proposed by other parties to OPEBs or to pensions based on funding levels with supporting exhibits, testimony, or workpapers.
- e. Excerpts from Commission orders showing acceptance of the funded amount for OPEBs and for Pensions.
- f. The amount of OPEB and Pension expenses in the first year following the implementation of rates.

## **RESPONSE:**

- a. In Docket No. 12700 (filed in 1994), which was the Company's first Texas rate case filed after the Commission began allowing recovery of accrued Other Post-Employment Benefits (OPEBs) expenses in rates, the Company requested approximately \$3,443,000 in OPEBs expenses on an accrual basis.
  - In Docket No. 37690 (filed in 2009), which was the Company's first Texas rate case filed after the Commission began allowing recovery of accrued pension expenses in rates, the Company requested \$6,978,900 in pension expenses on an accrual basis.
- b. Workpapers for adjustments to the OPEBs expenses requested in Docket No. 12700 (as referenced in the response to part (a.) above) are included in CEP 10-1 Attachment 2.

SOAH Docket No. 473-17-2686 PUC Docket No. 46831 CEP's 10th, Q. No. CEP 10-4 Page 2 of 2

Workpapers for adjustments to the pension expenses requested in Docket No. 37690 (as referenced in the response to part (a.) above) are included in CEP 10-4 Attachment 1.

c. Please see CEP 10-1 Attachment 3 for excerpts of testimony filed in Docket No. 12700 identifying the Company's request for OPEBs expenses on an accrual basis in that case.

Please see CEP 10-4 Attachment 2 for an excerpt of testimony filed in Docket No. 37690 identifying the Company's request for pension expenses on an accrual basis in that case.

d. Please see CEP 10-1 Attachment 4 for the Proposal For Interim Decision for Docket No. 12700, pages 304 through 307, for a discussion of the witnesses who testified with respect to OPEBs and the adjustments the witnesses proposed in that case.

Docket No. 37690, which was the first case pension expenses were requested on an accrual basis, was settled before intervenor testimony was filed.

- e. With respect to Docket No. 12700, please see EPE's response to CEP 10-1. Please see CEP 10-4 Attachment 3 for a copy of the Commission's Order in Docket No. 37690.
- f. Interim rates from Docket No. 12700 went into effect in August 1995. The Company's OPEB expense in the first year following the emergence from bankruptcy in February 1996 was approximately \$12,594,000. The Company's pension expense in the first year following the implementation of rates in July 2010 after Docket No. 37690 was approximately \$9,589,000.

Preparer: Steven Sierra Title: Supervisor-Financial Accounting

Sponsor: Russell G. Gibson Title: Vice President-Controller

## **EL PASO ELECTRIC COMPANY**

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CEP's 10th, Q. No. CEP 10-4
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EL PASO ELECTRIC COMPANY OPERATION AND MAINTENANCE EXPENSE EMPLOYEE PENSIONS AND BENEFITS FOR THE TEST YEAR ENDED JUNE 30, 2009 SCHEDULE A-3 ADJUSTMENT NO. 4 PAGE 1 OF 2

	(a)		(b)
Line No.	Description		Total Amount
	Employee Pensions and Benefits Pension and OPEB Expense Only FERC Account No. 926000		
1	Book Amount, As Adjusted	s	16,956,928
	Less:		
2	Amount Per Books		9,923,350
3	Adjustment	` <b>s</b>	7,033,578
4	Five-Year Average Expense Ratio		81.15%
5	Expense Adjustment		5,707,749

### Justification for requested adjustment:

Adjust pension and OPEB costs to reflect latest actuarial studies Sponsored by David Carpenter

## **EL PASO ELECTRIC COMPANY**

SOAH Docket No. 473-17-2686 PUC Docket No. 46831 CEP's 10th, Q. No. CEP 10-4 Attachment 1 Page 2 of 2

EL PASO ELECTRIC COMPANY OPERATION AND MAINTENANCE EXPENSE EMPLOYEE PENSIONS AND BENEFITS FOR THE TEST YEAR ENDED JUNE 30, 2009

SCHEDULE A-3 ADJUSTMENT NO. 4 PAGE 2 OF 2

	(a)	(b)	(c)	(d)
Line No.	Description	Test Year Per Book	Adjustment	As Adjusted
1	OPEB Pension Benéfits	s 4 6,572,047 s	1,784,881	\$ \( \biggreen \) 8,356,928 \( \biggreen \) 8,600,000 \( \biggreen \)
3	Total	\$ 9,923,350 \$	7,033,578	\$ 16,956,928

(A) This amount includes the transition obligation in the same amount as included in the test year per books.

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## **DOCKET NO. 37690**

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APPLICATION OF EL PASO ELECTRIC COMPANY TO CHANGE RATES, TO RECONCILE FUEL COSTS, TO ESTABLISH FORMULA-BASED FUEL FACTORS, AND TO ESTABLISH AN ENERGY EFFICIENCY COST RECOVERY FACTOR

**PUBLIC UTILITY COMMISSION** 

OF TEXAS

**DIRECT TESTIMONY OF** 

**DAVID G. CARPENTER** 

**FOR** 

EL PASO ELECTRIC COMPANY

(REVENUE REQUIREMENT)

**DECEMBER 2009** 

DIRECT TESTIMONY DAVID G. CARPENTER

1		Q. Pensions and Other Postemployment Benefits (Section 36.065)
2	Q.	HAS THE COMPANY CALCULATED ITS PENSION AND POSTEMPLOYMENT
3		BENEFITS EXPENSES IN ACCORDANCE WITH SECTION 36.065?
4	A.	Yes, it has reflected pensions and other post-employment benefits in revenue
5		requirements based upon actuarial studies in accordance with generally accepted
6		accounting standards. The Company has not established a reserve account for
7		pension and other post-employment benefit expenses in accordance with
8		Section 36.065(b).
9		
10		V. EPE'S COST OF SERVICE AND RATE BASE
11	Q.	BEFORE DISCUSSING THE SPECIFIC SCHEDULES YOU SPONSOR, ARE
12		THERE ANY NOTEWORTHY ITEMS YOU WISH TO DISCUSS CONCERNING
13		THE COMPANY'S CAPITAL INVESTMENTS AND ITS PLANT IN SERVICE
14		VALUES?
15	A.	Yes, there are two such items: First, how the Company is presenting the capital
16		additions it has made since its last rate case, and, second, the value of the PVNGS
17		included in rate base and cost of service for Texas ratemaking purposes.
18		
19		A. Capital Additions Since the Last Rate Case
20	Q.	HOW IS THE COMPANY PRESENTING THE CAPITAL ADDITIONS IT HAS MADE
21		SINCE ITS LAST RATE CASE?
22	A.	The Company's last base rate case was Docket No. 12700, which was filed in
23		January 1994, used a test year ending June 30, 1993, and was decided in August
24		1995. Since that case, the Company has made over \$1.2 billion in capital additions
25		necessary to continue fulfilling its obligation to serve. The Company is going beyond

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DIRECT TESTIMONY DAVID G. CARPENTER

APPLICATION OF EL PASO
ELECTRIC COMPANY TO CHANGE
RATES, TO RECONCILE FUEL
COSTS, TO ESTABLISH
FORMULA-BASED FUEL FACTORS,
AND TO ESTABLISH AN ENERGY
EFFICIENCY COST RECOVERY
FACTOR

## PUBLIC UTILITY COMMISSION OF TEXAS

#### **ORDER**

This Order addresses the application of El Paso Electric Company (EPE) for authority to change rates, to establish formula-based fixed fuel factors, and to establish an energy efficiency cost recovery factor consistent with the Joint Motion to Implement Stipulation and Agreement and to Approve Interim Rates (Agreement) signed by all of the parties to this proceeding. This docket was processed in accordance with applicable statutes and Public Utility Commission of Texas (Commission) rules. EPE, Commission Staff, the City of El Paso (City), the Office of Public Utility Counsel (OPUC), the Texas State Agencies, Texas Industrial Energy Consumers (TIEC), Freeport-McMoRan Copper & Gold, Inc. (Freeport-McMoRan), Wal-Mart Stores Texas, LLC and Sam's East, Inc. (Wal-Mart), and the United States Department of Defense and All Other Federal Executive Agencies (DOD/FEA) (collectively, Signatories) filed the Agreement, which resolves all issues in this proceeding. Consistent with the Agreement, EPE's application is approved.

The Commission adopts the following findings of fact and conclusions of law:

## I. Findings of Fact

#### **Procedural History**

1. On December 9, 2009, EPE submitted an application to the Commission see following:

Reflecting the recommendation of all the parties, the fuel reconciliation phase of this case has been and placed into Application of El Paso Electric Company to Reconcile Fuel Costs (Severed From PUC Docket No. 37690), SOAH Docket No. 473-10-4554, Docket No. 38361 (pending).

#### ORDER

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- an overall increase in annual Texas retail revenues of \$51.6 million, or 12.9% percent, over its adjusted test year revenues (exclusive of fuel revenues and energy efficiency costs);
- reconciliation of its fuel and purchased power costs for the Reconciliation Period of March 2007 through June 2009;
- approval of a formula-based fixed fuel factor under P.U.C. SUBST.
   R. 25.237(a)(1); and
- approval of an Energy Efficiency Cost Recovery Factor (EECRF) under P.U.C.
   SUBST. R. 25.181(f), along with the recovery within the EECRF of the energy efficiency costs that EPE was allowed to defer for future recovery in Docket No. 35612.<sup>2</sup>
- 2. EPE proposed an effective date that would permit the new base rates to be implemented beginning July 1, 2010.
- 3. EPE used the 12-month test year beginning July 1, 2008 through June 30, 2009.
- 4. Notice of EPE's application was published once each week for four consecutive weeks in a newspaper having general circulation in each county in EPE's Texas service territory. In addition, EPE provided individual notice to EPE's Texas retail customers; each municipality within EPE's service area with original jurisdiction over EPE's retail rates; and Commission Staff, OPUC, and the City, who were all the parties to EPE's last fuel reconciliation proceeding, Docket No. 34695.
- 5. EPE timely filed appeals with the Commission of actions of the following municipalities exercising original jurisdiction within their service territory: Town of Anthony, Town of

<sup>&</sup>lt;sup>2</sup> Application of El Paso Electric Company to Defer Energy Efficiency Costs Under PURA § 39.905 and P.U.C. SUBST R 25 181(f), Docket No. 35612, Order (Sep. 12, 2008).

<sup>&</sup>lt;sup>3</sup> Petition of El Paso Electric Company to Reconcile Fuel Costs and Revenues and Request to Recover Mine Closing Costs, Docket No. 34695, Order (Jul. 21, 2008).

ORDER

Horizon City, Town of Clint, Town of Vinton, Town of Van Horn and City of Socorro.

All such appeals were consolidated for determination in this docket.

- 6. The following parties were granted intervenor status in this docket: OPUC, the Texas State Agencies, the City, TIEC, Freeport-McMoRan, DOD/FEA and Wal-Mart. Commission Staff was also a participant in this docket.
- 7. On December 9, 2009, the Commission referred this case to the State Office of Administrative Hearings (SOAH) to conduct an evidentiary hearing and preparation of a proposal for decision, if necessary.
- 8. On December 17, 2009, the SOAH Administrative Law Judge (ALJ) filed Order No. 1, suspending the effective date of the proposed tariff changes for 150 days until June 14, 2010. The effective date was subsequently extended by EPE until September 1, 2010.
- 9. On January 15, 2010, the Commission issued the Preliminary Order setting forth the issues to be addressed in this proceeding.
- 10. On April 23, 2010, the ALJ filed Order No. 7, granting an unopposed motion to extend the procedural schedule indefinitely in order to facilitate settlement negotiations among the parties.
- 11. On June 16, 2010, the Signatories filed the Agreement, together with their Joint Motion to facilitate consideration and implementation of the Agreement. The Agreement is signed by all of the parties to this proceeding.
- 12. On June 22, 2010, the ALJ filed Order No. 14, implementing the Signatories' Joint Motion by admitting into evidence EPE's application, direct testimony and exhibits, notice affidavits, and the Agreement and its attachments, and severing and placing into a

ORDER

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new docket the fuel reconciliation phase of the case for resolution of the one issue that was not settled. After the severance, the proceeding was also dismissed from the SOAH docket and returned to the Commission for further processing as a settled case.

13. Order No. 14 also granted the Signatories' request that EPE be authorized to implement the new base rates, fuel factor and EECRF on an interim basis, effective July 1, 2010. These interim rates were subject to refund or surcharge in accordance with P.U.C. PROC. R. 22.125(e). The Signatories intend that the Commission approve as permanent rates the same rates placed into effect on an interim basis.

## Description of the Agreement

14. The Signatories to the Agreement agree that its overall terms and conditions result in just and reasonable rates and that the public interest will be served by resolution of the issues addressed herein in the manner prescribed by the Agreement.

#### **Base Rates**

- 15. The Agreement provides for an overall \$17.150 million dollar base rate increase in EPE's Texas retail service areas, effective for service on or after July 1, 2010.
- 16. The Agreement provides that the post-bankruptcy fresh start values for the Palo Verde Nuclear Generating Station (Palo Verde) as of June 30, 2009, proposed by EPE, with retirements adjusted to the fresh start basis, are accepted and will be used as the basis for that investment in this and future dockets, except that the jurisdictional allocation is subject to review on a prospective basis in future proceedings.
- 17. The Agreement provides that all additions to electric plant in service from July 1, 1993 through June 30, 2009, are reasonable and necessary and are to be included in rate base; except that in future rate cases, EPE's investment in the Copper gas turbine will be excluded from rate base, and EPE will not include depreciation on the Copper gas turbine in revenue requirements in future cases.

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PUC DOCKET NO. 37690 SOAH DOCKET NO. 473-10-1677

**ORDER** 

18. The Agreement provides that the investment in EPE's new Customer Information System

(CIS) is included in rate base, and the related amortization (depreciation) is included in

cost of service. The CIS system will be amortized over a 10-year period.

19. The Agreement provides that EPE shall include the loss on reacquired debt associated

with the refinancing of the first mortgage bonds in 2005 in the cost of debt in future rate

proceedings.

20. The Agreement provides that effective July 1, 2010, EPE shall utilize a return on equity

of 10.125% for purposes of calculating Allowance for Funds Used During Construction

(AFUDC) and for calculating carrying costs pursuant to P.U.C. SUBST. R. 25.181(f)(7)

regarding deferred energy efficiency costs.

21. The Agreement provides that EPE's proposed depreciation rates shall be utilized but are

subject to review on a going-forward basis in future rate proceedings.

22. The Agreement provides that the balance of accumulated depreciation as of

June 30, 2009, shown on Schedule D-1 of the Rate Filing Package, reflecting the 2002

depreciation study that EPE began using in 2004, shall be used.

23. The Agreement provides that EPE will be allowed Palo Verde decommissioning funding

of \$7 million on a Texas jurisdictional basis, but that this funding shall be subject to

review and adjustment on a going-forward basis in future proceedings.

24. The Agreement provides that any Renewable Energy Credits (RECs) that EPE purchases

will not be recovered as a fuel expense.

25. The Agreement provides how the authorized revenue increases shall be allocated among

customer classes.

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**ORDER** 

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- 26. The Agreement provides for an agreed tariff that was implemented on an interim basis.
- 27. The Agreement provides that EPE will amortize all rate case expenses of EPE and the City incurred in this case, including those incurred in the severed fuel reconciliation docket for litigation of the Four Corners final mine closing costs. EPE will amortize total rate case expenses in the total amount of \$4,683,853 over a two-year period. Of this amount, \$740,000 represents reimbursable rate case expenses of the City of El Paso.
- 28. Under the Agreement, EPE will reimburse the City of El Paso for its rate case expenses within 20 days of the City's invoice to EPE.

#### **Fuel Factor**

- 29. The Agreement provides that EPE will implement a fuel factor adjustment formula effective July 1, 2010. The formula is calculated using the following steps:
  - a. The fuel and purchased power costs are separated into two parts.
  - b. One part, the Historical Portion Costs, which will be based on the Monthly Fuel Reports that EPE files pursuant to P.U.C. SUBST. R. 25.82 and 25.238, consists of actual nuclear fuel expense, coal expenses, Four Corners Mine Reclamation costs, and any credits or costs for nitrogen oxides (NO<sub>x</sub>) or sulfur oxides (SO<sub>x</sub>) emissions credits.
  - c. The second part, the "Projected Market Adjusted Costs," includes the remainder of eligible fuel costs, which primarily consists of natural gas and purchased power expenses.
  - d. The Projected Market Adjustment will be developed based upon average Permian Basin natural gas futures prices for the rate year divided by the simple average of the Permian Basin natural gas prices for the 12-month historical period. The simple average of the historical period will be the simple average of the 12 monthly averages, each of which include the daily prices weighted by volumes traded.

#### **ORDER**

- e. The average Permian Basin natural gas futures prices for the rate year will be determined by using the average of Permian Basin natural gas futures prices for the rate year for the most recent 10-day period as published in the New York Mercantile Exchange futures contracts listing.
- f. The Projected Market Adjusted Costs, which primarily consists of natural gas and purchased power expenses, is multiplied by the Projected Market Adjustment.
- g. These Projected Market Adjusted Costs are added to the Historical Portion Costs to derive the Total Fixed Fuel Factor Costs.
- h. The Total Fixed Fuel Factor Costs are divided by the actual sales for the 12-month historical period to derive the Fixed Fuel Factor.
- i. The latest Commission-approved voltage level multipliers are applied to this average fuel factor rate to derive a fixed fuel factor by voltage level.
- 30. When the Commission resolves the issue of the amount of the Four Corners final mine reclamation costs that are recoverable, EPE shall include an amortization of the amount in the fuel factor calculations pursuant to the formula.
- 31. Under the Agreement and the proposed formula, EPE should implement a revised composite fuel factor of \$.029394 per kWh, effective with the first billing cycle of the July 1, 2010 billing month.
- 32. The Agreement provides that EPE will retain 10% of the margins from off-system sales and credit to fuel costs 90% of the off-system sales margins beginning July 1, 2010.
- 33. The Agreement provides that expenses recorded in Account 509 and revenues recorded in Account 411.8 from the purchase and sale of nitrous oxides or sulfur dioxide emissions allowances will be allowed as eligible fuel expense going forward and included in EPE's fixed fuel factor.

ORDER

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34. The Agreement also provides that Palo Verde performance standards are revised to reflect the increase in Palo Verde capacity.

## **Energy Efficiency**

- 35. The Agreement provides that EPE will implement an EECRF effective July 1, 2010.
- 36. In Docket No. 35612, EPE was authorized to defer the costs of complying with the energy efficiency requirements of PURA<sup>4</sup> § 39.905 and to recover the deferred costs through an EECRF upon the June 30, 2010, expiration of the rate freeze.
- 37. The Agreement provides that EPE will amortize over a three-year period the energy efficiency costs deferred under the order in Docket No. 35612.
- 38. The Agreement provides that to the extent that the costs were estimated for the period July 1, 2009 to June 30, 2010, those costs shall be trued-up to actual expense in EPE's pending EECRF proceeding, Docket No. 38226.<sup>5</sup>
- 39. The agreed-upon EECRF is based on the amount of deferred energy efficiency costs and projected energy efficiency costs included in EPE's requested EECRF of \$2,594,665 allocated to the eligible customer classes on a program-by-program basis using energy as the allocator. The factors by class are:

<sup>&</sup>lt;sup>4</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (Vernon 2007 & Supp. 2009).

<sup>&</sup>lt;sup>5</sup> Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor, SOAH Docket No. 473-10-4554, PUC Docket No. 38226 (pending).

#### **ORDER**

Rate	<u>Description</u>	Per Kilowatt-hour (kWh)
01	Residential Service	\$0.00093
02	Small Commercial Service	\$0.00083
<b>07</b> .	Outdoor Recreational Lighting Service	\$0.00049
08	Gov't Street Lighting and Signal Service	\$0.00049
11	Municipal Pumping Service	\$0.00120
21	Water Heating	\$0.00122
22	Irrigation Service	\$0.00070
24	General Service	\$0.00132
25	Large Power Service	\$0.00070
34	Cotton Gin Service	\$0.00049
41	City and County Service	\$0.00128
43	University Service	\$0.00116
46	Cogeneration/Small Power—Maintenance	\$0.00057
	Service	
47	Cogeneration/Small Power—Backup Service	\$0.00057

## Consistency of the Agreement with PURA and Commission Requirements

- 40. The Agreement is the result of good faith negotiations by the parties, and these efforts, as well as the overall result of the Agreement viewed in light of the record as a whole, support the reasonableness and benefits of the terms of the Agreement.
- 41. The total level of the Texas retail revenue requirement contemplated by the Agreement will allow EPE the opportunity to earn a reasonable return over and above its reasonable and necessary operating expenses.
- 42. The revenue requirement stipulated in the Agreement is consistent with applicable provisions of PURA Chapter 36 and Commission rules.
- 43. A return on equity of 10.125% only for purposes of calculating AFUDC and for calculating carrying costs pursuant to P.U.C. SUBST. R. 25.181(f)(7) regarding deferred energy efficiency costs, is reasonable.

**ORDER** 

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- 44. It is reasonable for purposes of this proceeding to adopt the depreciation rates proposed by EPE in its direct case. The adopted depreciation rates are set forth in Schedule D-4 to the Rate Filing Package, Attachment 1 to this Order.
- 45. It is reasonable to adopt the post-bankruptcy fresh start values for Palo Verde proposed by EPE, with retirements adjusted to the fresh start basis, in this docket and in future dockets.
- 46. The record supports the inclusion in rate base of all of EPE's additions to electric plant in service from July 1, 1993 through June 30, 2009, except for EPE's investment in the Copper gas turbine, which shall be excluded from rate base.
- 47. It is reasonable to include EPE's investment in the new CIS in rate base and the related amortization (depreciation) in cost of service. In addition, it is reasonable to amortize the costs of the CIS system over a 10-year period.
- 48. It is reasonable for EPE to include the loss on reacquired debt associated with the refinancing of the first mortgage bonds in 2005 in the calculation of the weighted cost of debt in future rate proceedings as proposed by EPE in this case.
- 49. For purposes of this proceeding, it is reasonable to adopt the balance of accumulated depreciation reflecting the 2002 depreciation study that EPE began using in 2004.
- 50. It is reasonable to allow EPE to collect \$7 million on a Texas jurisdictional basis for Palo Verde decommissioning funding subject to review and adjustment on a going-forward basis in future proceedings.
- 51. It is reasonable that EPE not recover the costs of RECs it purchases as fuel expenses.
- 52. The proposed miscellaneous service charges are reasonable.

#### ORDER

- 53. It is reasonable that EPE amortize its rate case expenses of \$4,683,853, which include \$740,000 of reimbursable expenses of the City of El Paso, over a two-year period.
- 54. It is reasonable for EPE to reimburse the City of El Paso for rate case expenses within 20 days of the City's invoice to EPE.
- 55. The allocation of the revenue increase among customer classes as described in Attachment 2 to the Agreement is just and reasonable.
- 56. The settled rate design reflected in the rate schedules included in Attachment 2 to this Order, including the additional tariff provisions reflected therein and in Sections 2 and 3 of EPE's proposed tariff, is just and reasonable.
- 57. The proposed formula for calculating the fuel factors is reasonable.
- 58. EPE has calculated the proposed fuel factors in compliance with the formula.
- 59. The proposed fuel factors utilize a Commission-approved adjustment to account for line losses corresponding to the voltage at which EPE provides electric service pursuant to P.U.C. SUBST. R. 25.237(c)(2)(B).
- 60. Consistent with the Agreement, the proposed formula-based fuel factor and the specific fixed fuel factors to be effective July 1, 2010, provide reasonable estimates of the eligible fuel costs during the time period that they are applicable and are therefore reasonable and should be approved.
- 61. The EECRF under the Agreement conforms to the requirements of the decision in Docket No. 35612 and P.U.C. SUBST. R. 25.181(f) in the costs that it includes, and the assignment and allocations to the classes are appropriate.

#### ORDER

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#### II. Conclusions of Law

- 1. EPE is a public utility as that term is defined in PURA § 11.004(1) and an electric utility as that term is defined in PURA § 31.002(6).
- 2. The Commission exercises regulatory authority over EPE and jurisdiction over the subject matter of this application pursuant to PURA §§ 14.001, 32.001, 32.101, 33.002, 33.051, 36.001-36.111, 36.203 and 39.905.
- This docket was processed in accordance with the requirements of PURA and the Texas Administrative Procedure Act, Tex. Gov't Code Ann. Chapter 2001 (Vernon 2008 & Supp. 2009).
- 4. EPE provided notice of the application in compliance with PURA § 36.103 and P.U.C. PROC. R. 22.51(a) and (b).
- 5. The Agreement, taken as a whole, is a just and reasonable resolution of all the issues it addresses, results in just and reasonable rates, terms and conditions, is consistent with the relevant provisions of PURA, and is consistent with the public interest.
- 6. The revenue requirement, cost allocation, revenue distribution, and rate design contemplated by the Agreement result in rates that are just and reasonable, comply with the ratemaking provisions of PURA, and are not unreasonably discriminatory or preferential.
- 7. EPE's rates resulting from the Agreement are just and reasonable and meet the requirements of PURA § 36.003.
- 8. Under P.U.C. SUBST. R. 25.237(a), fuel factors may be determined using a Commission-approved, utility-specific fuel factor formula, which may be approved in a general rate change proceeding.

#### ORDER

- 9. The amounts collected by EPE under the stipulated fixed fuel factors are subject to final review by the Commission under PURA § 36.203 and P.U.C. SUBST. R. 25.236(d) in EPE's next applicable fuel-reconciliation proceeding.
- 10. EPE's petition, as reflected in the Agreement, to establish a formula-based fixed fuel factor and to establish specific fixed fuel factors effective July 1, 2010, meets the requirements set out in P.U.C. SUBST. R. 25.237. Approval of both the formula and the specific fixed fuel factors represents a reasonable resolution of the fuel-factor issues in this proceeding and is consistent with the Commission's rules, the requirements of PURA, and the public interest.
- 11. Under PURA § 39.905 and P.U.C. SUBST. R. 25.181, EPE is qualified to file for an EECRF to be effective with the June 30, 2010, termination of the freeze period.
- 12. The agreed EECRF conforms to the requirements of P.U.C. SUBST. R. 25.181. The forecast of EECRF costs is reasonable, the assignments and allocations are appropriate, and the calculations of the EECRF are in accordance with P.U.C. SUBST. R. 25.181(f).
- 13. The Agreement resolves all issues pending in this docket.
- 14. The tariff sheets and rate schedules included in the Agreement are just and reasonable and accurately reflect the terms of the Agreement.
- 15. The Commission's adoption of a final order consistent with the Agreement satisfies the requirements of the Administrative Procedure Act, Tex. Gov't Code Ann. §§ 2001.051 and 2001.056 (Vernon 2008 & Supp. 2009) without the necessity of a decision on contested case issues resulting from a hearing on the merits.
- 16. The requirements for informal disposition pursuant to P.U.C. PROC. R. 22.35 have been met in this proceeding.

**ORDER** 

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## III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

- 1. Consistent with the Agreement, EPE's application is approved.
- Consistent with the Agreement, the rates, terms, and conditions described in this Order are approved.
- 3. Consistent with the Agreement, the tariffs, rate schedules and riders approved on an interim basis in Order No. 14 are approved.
- 4. Within 20 days of the date of this Order, EPE shall file a clean record copy of the approved tariff to be stamped "Approved" by Central Records and retained for future reference.
- 5. EPE shall deposit \$7 million, Texas jurisdictional, into the Palo Verde Decommissioning Fund on an annual basis until further order of this Commission.
- 6. EPE shall observe the depreciation rates approved in this Order until further order.
- 7. EPE may include the loss on reacquired debt associated with the refinancing of the first mortgage bonds in 2005 in the calculation of its weighted cost of debt in future rate proceedings.
- 8. Effective July 1, 2009, recovery of sulfur dioxide (SO<sub>2</sub>) and nitrous oxide (NO<sub>X</sub>) emissions revenues recorded in Account 411.8 and expenses recorded in Account 509 will be allowed as eligible fuel expense going forward and included in EPE's fixed fuel factor.

SOAH Docket No. 473-17-2686 PUC Docket No. 46831 CEP's 10th, Q. No. CEP 10-4 Attachment 3

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PUC DOCKET NO. 37690 SOAH DOCKET NO. 473-10-1677

ORDER

9. EPE's costs for purchases of RECs will not be recovered as fuel expenses.

10. EPE will credit to fuel costs 90% of off-system sales margins and retain 10% of

off-system sales margins, effective July 1, 2010.

11. Palo Verde performance standards are revised to reflect the increase in Palo Verde

capacity.

12. EPE's fixed fuel factor tariff reflecting an agreed composite fuel factor of \$.029394 per

kWh to be charged beginning with the billing month of July 2010 is approved as depicted

on Attachment 2 to this Order.

13. EPE is authorized to apply the agreed EECRF to customers' bills on and after

July 1, 2010. The EECRF shall be in effect until an adjusted EECRF is made effective

for EPE pursuant to P.U.C. SUBST. R. 25,181(f).

14. No later than May 1 of each year, EPE is required to apply to adjust the EECRF pursuant

to P.U.C. SUBST. R. 25.181(f). The costs included in EPE's EECRF are subject to

reconciliation pursuant to P.U.C. SUBST. R. 25.181(f)(13).

15. Because the final approved rates are the same as the interim rates, no refunds or

surcharges of the interim rates are necessary.

16. Entry of this Order consistent with the Agreement does not indicate the Commission's

endorsement of any principle or methodology that may underlie the Agreement. Entry of

this Order should not be regarded as precedent as to the appropriateness of any principle

or methodology underlying the Agreement.

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**ORDER** 

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17. All other motions, requests for entry of specific findings of fact, conclusions of law, and ordering paragraphs, and any other requests for general or specific relief, if not expressly granted in this order, are hereby denied.

SIGNED AT AUSTIN, TEXAS on the 2010 day of July 2010.

**PUBLIC UTILITY COMMISSION OF TEXAS** 

BARRY T. SMITHERMAN, CHAIRMAN

**DONNA L. NELSON, COMMISSIONER** 

KENNETH W. ANDERSON, JR., COMMISSIONER

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

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY TO	§	OF
CHANGE RATES	§	ADMINISTRATIVE HEARINGS

## EL PASO ELECTRIC COMPANY'S RESPONSE TO CITY OF EL PASO'S TENTH REQUEST FOR INFORMATION QUESTION NOS. CEP 10-1 THROUGH CEP 10-6

## CEP 10-5:

Please provide the amounts embedded in rates for pension expenses on an accrual basis beginning with the date when El Paso Electric Company first began recovering pension expenses on an accrual basis, and the amount of actual expenses for each year, and the amount of payments to the pension fund each year.

## **RESPONSE**:

EPE began requesting Pension expenses on an accrual basis beginning with Docket No. 37690. A schedule summarizing EPE's actual pension expenses, the amount of payments to the pension fund, and the payroll expense factor for each year since rates were in effect beginning with Docket No. 37690 has been included in CEP 10-5 Attachment 1.

The amount of pension expenses embedded in rates is unknown because prior rate cases were settled and no amounts were specified.

Preparer: Steven Sierra Title: Supervisor-Financial Accounting

Sponsor: Russell G. Gibson Title: Vice President-Controller

SOAH Docket No. 473-17-2686 PUC Docket No. 46831 CEP's 10th, Q. No. CEP 10-5 Attachment 1 Page 1 of 1

3,400 **\$** 

66,400

## RIP

Net Periodic Pension Cost (NPI	PC)
Capitalization Rate	
NPPC (Net of Capitalization)	
•	:

S	8,455	S	8,875	S	15,211	S	17,431	\$	11,577	S	3,940	S	Total 65,489
-	21 61%	-	20.21%	-	21.08%		18.59%		18 99%		19.43%		,
\$	6,628	S	7,081	\$	12,005	S	14,191	s	9,379	\$	3,174	S	52,457

18,000 \$

12,000 \$

15,000 \$

**EPE Contributions** 

## SERP

. 2

9,000 \$

9,000 \$

Net Periodic Pension Cost (NPPC) Capitalization Rate NPPC (Net of Capitalization)

\$ 1,181	\$	1,129	\$ 1,057	\$ 1,063	\$	1,043	\$ 960	S	6,433
 21.61%		20.21%	21.08%	18.59%		18.99%	19.43%	İ	
\$ 926	\$ .	901	\$ 834	\$ 865	S	845	\$ 773	S	5,145

EPE Contributions

\$ 1,576 \$	1,576 \$	1,576 \$	1,676 \$	1,588 \$	764 S	8,756

## Excess

Net Periodic Pension Cost (NPPC)

Capitalization Rate
NPPC (Net of Capitalization)

**EPE** Contributions

-2015	4	2014,	<b>*</b>	砂路	2.70 i) . "	1.00	2011	Į.	I- Dec 2010		Total .
\$ 998	\$	874	\$ 760	\$	918	\$	782	\$	264	S	4,596
 21.61%		20.21%	 21.08%		18 59%		18.99%		19.43%		
\$ 782	\$	697	\$ 600	\$	747	S	633	\$	213	S	3,673

S 333 \$ 276 \$ 296 \$ 229 \$ 229 \$ 95 **\$** 1,458

Amounts may not tie to other schedules due to rounding

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

APPLICATION OF EL PASO § BEFORE THE STATE OFFICE ELECTRIC COMPANY TO § OF CHANGE RATES § ADMINISTRATIVE HEARINGS

# EL PASO ELECTRIC COMPANY'S RESPONSE TO CITY OF EL PASO'S TENTH REQUEST FOR INFORMATION QUESTION NOS. CEP 10-1 THROUGH CEP 10-6

## CEP 10-6:

Please provide the amounts embedded in rates for OPEB expenses on an accrual basis beginning with the date when El Paso Electric Company first began recovering OPEB expenses on an accrual basis, and the amount of actual expenses for each year, and the amount of fund contributions and the payroll expense factor for each year.

## **RESPONSE:**

EPE began requesting Other Post-Employment Benefits (OPEBs) expenses on an accrual basis beginning with Docket No. 12700. A schedule summarizing EPE's actual OPEBs expenses (i.e., accrued expense), the applicable payroll expense factor, and the amount of payments to the OPEB trust fund, has been included in CEP 10-6 Attachment 1.

Docket No. 12700, which was ultimately decided by the Commission on August 30, 1995, was litigated by the parties. Findings regarding OPEB expenses were contained in a Proposal For Interim Decision (included in CEP 10-1 Attachment 4). The Commission Interim Order in that docket reflected an anticipated merger between the Company and Central and South West Corporation (CSW). Subsequent to the issuance of the Interim Order, CSW withdrew from the transaction and the merger was never consummated. However, the parties to Docket No. 12700 then negotiated a settlement of the proceeding that adopted the overall revenue requirement established by the Commission's Interim Order. The amount assumed to be in rates for OPEB expenses as presented in CEP 10-6 Attachment 1 between 1996 and June 2010 reflects the amount specified in the Proposal for Interim Decision.

The amount of OPEB expenses embedded in rates since July 2010 (beginning when rates from Docket No. 37690 were effective) is unknown because subsequent rate cases were settled and no amounts were specified.

Preparer: Steven Sierra Title: Supervisor-Financial Accounting

Sponsor: Russell G. Gibson Title: Vice President-Controller

El Paso Electric Company

SOAH Docket No 473-17-2686 PUC Docket No 46831 CEP's 10th, Q. No CEP 10-6 Attachment 1

\$ 500 \$ - [\$ 3,100 \$ 3,700 \$ 2,200 \$ 4621 [\$ 3,422 [\$ 3,42 \$ 236 \$ (232) \$ 765 \$ 577 \$ 273 \$ 7,000 \$ 7,000 \$ 7,000 \$ 7,000 \$ 7,000 \$ 9,000 \$ 11,000 \$ 9,000 \$ 11,200 \$ 9,100 \$ 9,000 \$ 1,000 \$ 9,000 \$ 1, Net Periodic Benefit Cost (NPBC) Capitalization Rate (2) NPBC (Net of Capitalization) Amount Assumed in Rates (3) (Amounts in thousands) OPFB EPE Contributions (4)

Total 8

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\$ 129,060 S 49,219

3,137 \$ 61,744

(1) States from Docket No 12700 west and effect (on an internal basis) beganning August 2, 1995. This schedule presents as formation beganning february 12, 1996, when the Company cancerged from Baskruptory
(2) The Company used a cephalization rate of 13 17% from 1996 to 2004 as information for those years is not ready, available for the 18.7% is the expendance rate for 2005
(3) Docket No 12700 which was ultimately decided by the Commanson in August 1995, was integrated by the periors. Findings regarding OPED expenses were contained in a Proposal 87 in thinting Docket No 12700 which was foreign or the second of the support of the

Amounts may not ne to other schedules due to rounding.