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PUBLIC UTILITY COMMISSION

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

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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**AMENDED JOINT MOTION TO ADMIT EVIDENCE  
AND REMAND TO THE COMMISSION**

COMES NOW, Texas-New Mexico Power Company ("TNMP"), with the consent and approval of Staff of the Public Utility Commission of Texas ("Staff"), and Cities Served by Texas-New Mexico Power ("Cities"), and files this Amended Agreed Motion to Admit Evidence and Remand.

On August 30, 2019, TNMP, Cities, and Staff filed an Stipulation and Settlement Agreement (the "Settlement Stipulation"). The Settlement Stipulation resolves all issues in this proceeding and thus the parties file this Amended Joint Motion to Admit Evidence and Remand to the Public Utility Commission of Texas ("Commission").

**I. MOTION TO ADMIT EVIDENCE**

TNMP asks that the Administrative Law Judge (ALJ) enter an order admitting the following into evidence:

1. TNMP's Application and attachments filed on May 31, 2019;
2. The Direct Testimony and Exhibits of Stacy R. Whitehurst for TNMP filed on May 31, 2019;
3. The Direct Testimony and Exhibits of Stefani M. Case for TNMP filed on May 31, 2019;
4. The Direct Testimony and Exhibits of Michael S. Seamster for TNMP filed on May 31, 2019;
5. Affidavit Verifying Service by TNMP, filed on June 4, 2019;
6. TNMP's Responses to Commission Staff's First Request for Information filed on June 21, 2019;
7. TNMP's Responses to Cities First Request for Information filed on July 8, 2019;

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8. TNMP's Supplemental Responses to Cities First Request for Information filed on July 16, 2019;
9. TNMP's Supplemental Responses to Cities First Request for Information filed on July 17, 2019;
10. Direct Testimony and Exhibits of Karl J. Nalepa on behalf of Cities, including the Affidavit of Jamie L. Mauldin with Cities' rate case expense supporting documentation, filed on July 19, 2019;
11. The Settlement Stipulation filed on August 30, 2019;
12. The Affidavit of Alicia Maloy of Commission Staff;
13. The Affidavit of Stephen Mendoza of Commission Staff;
14. The Amended Stipulation and Settlement Agreement Exhibit A filed on September 4, 2019.
15. The Amended Affidavit of Joe Luna of Commission Staff filed on September 5, 2019;

The parties request the documents in this proceeding be admitted into evidence for the limited purpose of supporting the Settlement Stipulation.

## **II. MOTION TO REMAND TO THE COMMISSION**

The Settlement Stipulation included a Proposed Order that had the support of all the parties to this proceeding. The Proposed Order resolves all issues in this proceeding. TNMP requests that the ALJ enter an order dismissing this case from the SOAH docket and remanding it to the Commission for consideration of the Proposed Order.

## **III. CONCLUSION**

WHEREFORE, TNMP respectfully requests, on behalf of itself and all the Signatories, that the ALJ enter an order admitting the above-referenced evidence for the limited purpose of supporting the Stipulation and remanding the proceeding to the Commission for consideration of the Proposed Order and for further proceedings consistent with the Settlement Stipulation, and grant Signatories any and all other relief consistent with the Settlement Stipulation.

Respectfully submitted,

**TEXAS-NEW MEXICO POWER COMPANY**

**PUBLIC UTILITY COMMISSION OF  
TEXAS**

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**CITIES SERVED BY TEXAS-NEW MEXICO  
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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on all parties in this proceeding on September 4, 2019 by electronic transmission, facsimile transmission, or first class mail.

/s/ Stephanie C. Sparks  
Counsel