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SOAH DOCKET NO. 473-19-5244
PUC DOCKET NO. 49586

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

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PUBLIC UTILITY COMMISSION
FILING CLERK

TNMP'S UNOPPOSED EXCEPTIONS TO REVISED PROPOSED ORDER

COMES NOW, Texas-New Mexico Power Company ("TNMP") and files these Exceptions to Revised Proposed Order. The Staff of the Public Utility Commission of Texas ("Staff") and Cities Served by Texas-New Mexico Power ("Cities") (with TNMP, the "Parties") are unopposed to this filing.

I. BACKGROUND

On October 25, 2019, the Office of Policy & Docket Management filed a Proposed Order in this proceeding, and set a deadline of November 13, 2019 for the Parties to file corrections or exceptions to the Proposed Order. On November 5, 2019, TNMP filed its Exceptions to the Proposed Order ("First Exceptions") with the consent and approval of Staff and Cities. On November 19, 2019, the Office of Policy and Docket Management filed a Revised Proposed Order. TNMP is in agreement with most of the changes made in the Revised Proposed Order. The Revised Proposed Order, however, did not incorporate a few Exceptions made by the Parties in the First Exceptions to the Proposed filed on November 5. Therefore, TNMP submits this Exceptions to the Revised Proposed Order.

II. EXCEPTIONS

TNMP respectfully requests the following changes be made to the Revised Proposed Order:

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- 1. Finding of Fact 5(a):** change “TNMP’s forecasted energy-efficiency costs of \$5,287,551 in program year 2020 (including a deduction of \$55,604 to remove EECRF expenses from TNMP’s administrative expenses)” to “TNMP’s forecasted energy-efficiency costs of \$5,343,155 in program year 2020”.

TNMP requested this change in the First Exceptions, but the changes were not incorporated into the Revised Proposed Order. TNMP requests this change because TNMP set forth its forecasted energy-efficiency costs for program year 2020 of \$5,343,155 in its Application of Texas-New Mexico Power Company for the Approval to Adjust the Energy Efficiency Cost Recovery Factor (Application) at page 3 (bates stamp 3). TNMP’s forecasted energy-efficiency costs for program year 2020 does not include EECRF expenses. Thus the record reflects that TNMP’s forecasted energy-efficiency costs for program year 2020 are \$5,343,155; not \$5,287,551.

- 2. Finding of Fact 21:** delete “annual growth in” and change “1,382.5” to “1,304”.

TNMP requested this change in the First Exceptions, but the changes were not incorporated into the Revised Proposed Order. TNMP requests this change because TNMP’s five-year average (not annual growth) weather and loss adjusted peak demand is 1,304 MW, as set forth in the Direct Testimony of Stacy R. Whitehurst at page 6 (bates page 99). Thus the record reflects TNMP’s five-year average weather and loss adjusted peak demand amount is 1,304 MW; not 1382.5 MW..

- 3. Finding of Fact 22:** change “5.1 MW” to “5.2 MW”.

TNMP requested this change in the First Exceptions, but the changes were not incorporated into the Revised Proposed Order. TNMP requests this change because TNMP’s calculated minimum demand-reduction goal under 16 Texas Administrative Code (TAC) § 25.181 (e)(1)(c) is 5.2 MW, as set forth in the Direct Testimony of Stacy R. Whitehurst at page 6 (bates page 99). Thus

the record reflects that TNMP's calculated minimum demand-reduction goal is 5.2 MW; not 5.1 MW.¹

4. Finding of Fact 40: change "\$6,228,165" to "\$5,144,391" and add "and the previous bonus was \$1,083,774".

TNMP requested this change in the First Exceptions, but the changes were not incorporated into the Revised Proposed Order. TNMP requests this change because TNMP's actual 2018 program costs were \$5,144,391, as set forth in the Direct Testimony of Stacy R. Whitehurst at Confidential Exhibit SRW-9, line 8. The \$6,228,165 amount reflected in Finding of Fact 40 in the Revised Proposed Order reflects both TNMP's 2018 program costs and the approved performance bonus. TNMP's actual 2018 program costs did not include the performance bonus that it achieved. Accordingly, TNMP requests that Finding of Fact 40 be clarified to show that the \$6,228,165 amount includes both the 2018 program costs and the approved performance bonus.

III. CONCLUSION

WHEREFORE, TNMP respectfully requests the issuance of a revised proposed order consistent with the above recommendations.

¹ To the extent TNMP's Energy Efficiency Plan and Report ("EEPR") references 5.1 MW, the EEPR handles opt outs differently than the calculations under 16 TAC § 25.181(e)(1)(c).

Respectfully submitted,

By: /s/ Stephanie C. Sparks

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**ATTORNEYS FOR TEXAS-NEW
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion has been served on all parties of record by either first class mail, electronic transmission, facsimile transmission, or hand delivery, on this 25th day of November, 2019.

/s/ Stephanie C. Sparks
Counsel