



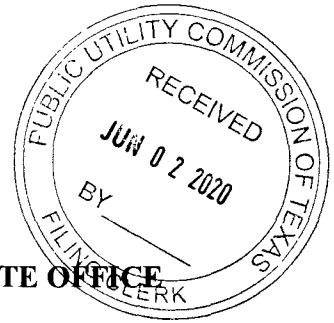
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**SOAH DOCKET NO. 473-20-3633  
PUC DOCKET NO. 50806**



<b>APPLICATION OF EL PASO</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>ELECTRIC COMPANY TO REVISE</b>	<b>§</b>	
<b>ITS ENERGY EFFICIENCY COST</b>	<b>§</b>	<b>OF</b>
<b>RECOVERY FACTOR AND</b>	<b>§</b>	
<b>ESTABLISH A REVISED COST CAP</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**COMMISSION STAFF'S COMMENTS ON PROPOSED NOTICE**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Comments on Proposed Notice. In support, Staff shows the following:

**I. BACKGROUND**

On May 1, 2020, El Paso Electric Company (EPE) filed an application to adjust its energy efficiency cost recovery factor (EECRF) and request to establish a revised cost cap. On May 13, 2020, the State Office of Administrative Hearings (SOAH) administrative law judge (ALJ) issued SOAH Order No. 1, which required Staff to file comments regarding the sufficiency of EPE's notice by May 29, 2020. Therefore, Staff's filing is delayed. Staff apologizes for the delay to both the ALJ and EPE.

**II. COMMENTS ON NOTICE**

Staff has reviewed the proposed notice filed by EPE and finds that the notice satisfies the requirements of 16 Texas Administrative Code (TAC) § 25.182(d)(13). Although 16 TAC § 25.182(d)(13) requires proof of notice to be issued 7 days after the application is filed, SOAH Order No. 1 states, "if Staff finds the proposed notice sufficient, EPE shall immediately commence providing notice. Proof of notice will be filed with the Commission upon completion of notice." Because more than 7 days have passed since the application was filed on May 1, 2020, Staff recommends that the deadline for providing notice in SOAH Order No. 1 should control.

Additionally, in accordance with 16 TAC § 25.182(d)(13), EPE proposes to provide notice to: (1) all parties of record in EPE's most recently completed EECRF docket, Docket No. 49496; (2) all parties of record in EPE's most recently completed base rate case, Docket No. 46831; and (3) to the state agency that administers the federal weatherization program, the Texas Department of Housing and Community Affairs. Finally, the proposed form of notice in Attachment B to the application satisfies 16 TAC § 25.182(d)(13), which describes reasonable notice as "a general description of the application and the docket number assigned to the application." Therefore, Staff recommends that EPE's proposed notice be found sufficient.

### **III. CONCLUSION**

Based on the analysis above, Staff respectfully requests that an order be issued finding EPE's notice sufficient.

Dated: June 2, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 2, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks  
Kourtnee Jinks