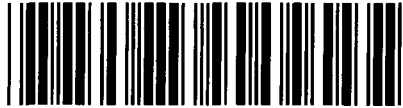


Control Number: 50806



Item Number: 24

Addendum StartPage: 0

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



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

DECLARATION OF NORMAN J. GORDON

THE STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

BEFORE ME, the undersigned authority, on this day personally appeared NORMAN J. GORDON, known to me to be the person whose name is subscribed hereto, and being by me duly sworn, upon his oath, stated as follows:

1. My name is Norman J. Gordon. My business address is PO Box 8, El Paso, Texas, 79940. I am over eighteen years of age and I am not disqualified from making this Declaration. I declare under penalty of perjury that the information in this declaration provided under Chapter 132 Texas Civil Practice and Remedies Code is true and correct.

2. I am an attorney licensed in the States of Texas and Illinois, and numerous federal courts. I received my undergraduate degree and law degree from University of Illinois at Urbana-Champaign. I have been in private practice of law in El Paso since completing my military obligation with the Judge Advocate General's Corps of the United States Army in 1974. I am board certified in Civil Trial Law by the Texas Board of Legal Specialization and have been so certified since 1983. One of the areas of my practice is in the area of utility regulation. Since 1978, I have been lead counsel for parties in many major rate cases, rule making proceedings, and other administrative dockets before City Councils, the Railroad Commission of Texas, the Public Utility Commission of Texas, State District Courts, United States Bankruptcy Court, and Texas Appellate Courts, including the Supreme Court of Texas. I have filed testimony on rate case expense issues in cases before Railroad Commission of Texas. I have filed testimony and testified as an expert witness on rate case expenses in cases before the Public Utility Commission of Texas. I have also taught principles of regulation to members of the Public Utility Regulation Board of the City of El Paso, an advisory board on utility matters.

3. I became a sole practitioner in February 2019. Prior to February 2019, I was a shareholder in the El Paso firm of Mounce, Green Myers, Safi, Paxson & Galatzan, A

Professional Corporation, from October 2003 until February 2019. Prior to that time my private practice was with the El Paso law firm of Diamond Rash Gordon & Jackson, P.C., for 29 years where I was a shareholder.

4. The City of El Paso ("City") engaged me to act as outside counsel for it in EPEC's prior EECRF case, PUC Docket 49496 SOAH No. 473-19-4223

5. In connection with the case, I billed a total of \$5,495.00 in fees. I also charged expenses in the amount of \$129.24 for a total of \$5,664.24. The description of services is provided in the attached invoices, by day, attorney and services performed. The invoices and support are attached to this Affidavit as Attachment "A" and incorporated herein. The only expenses charged were copy expenses, overnight delivery for filings at the Commission. There were no charges for first class travel or hotel expense. There is no markup on the expenses. The expenses were reasonable. Although I billed for the services of ReSolved Energy Consulting, and its statements are attached to mine, ReSolved Energy Consulting fees are not included in the above total.

6. The total for. ReSolved Energy Consulting was \$4,590.00. I am familiar with the work performed by Mr. Nalepa in general and in connection with the case and his hours, hourly rate and total cost are reasonable. Mr. Nalepa's Declaration is attached as Attachment "B".

7. The total of fees and expenses is \$10,277.14.

8. I am familiar with the hourly rates charged by others in Texas with similar or less experience for similar work, through the cases in which I have acted as counsel and through the cases in which I have filed testimony. The hourly rates charged by me of \$350.00 was reasonable.

9. All of the work done by me was necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, the originality of the issues presented including the nature of the issues raised and addressed by the City in this proceeding, and the amount of time spent by and charges by others for work of a similar nature in this and other proceedings. The expenses incurred were all reasonable and necessary for the presentation and prosecution of the City's case.

Further Declarant Says Not.

Dated July 2, 2020

Norman J. Gordon

ATTACHMENT A TO DECLARATION OF
NORMAN J. GORDON

NORMAN J GORDON
ATTORNEY AT LAW
PO Box 8
EL PASO, TEXAS 79940
(915) 203-4883
STATEMENT

Statement Date: July 1, 2020
Statement No. 152
Account No. 1.10
Page: 1

City of El Paso
300 N. Campbell
Attn: Office of the City Attorney
PO Box 1890
El Paso, TX 79950-1890
El Paso TX 79901

Attn: Karla M. Nieman

RE EECRF 2020

Fees

		Rate	Hours	
04/02/2019	NJG To City Hall for Executive Session presentation and return	350.00	1.10	385.00
04/28/2019	NJG Review Energy Efficiency Report for Discussion with Council	350.00	1.10	385.00
06/12/2019	NJG Prepare backup material for rate case expense affidavit, Drafting of affidavit.	350.00	2.20	770.00
06/13/2019	NJG Complete affidavit of RC expenses, review filing for issues related to Residential programs and issues related to request for cost cap. Tel K. Nalepa	350.00	3.00	1,050.00
06/19/2019	NJG Review of Nalepa Draft Testimony, affidavit, prepare and finalize testimony for filing.	350.00	2.10	735.00
06/25/2019	NJG Tel. B. Slocum re: possible suspension of procedural schedule.	350.00	0.10	35.00
06/26/2019	NJG Tel. K. Nalepa and B. Slocum (2) re settlement potential.	350.00	0.40	140.00
06/28/2019	NJG Tel. B. Slocum (2) and K. Nalepa re: settlement proposal and resolution.	350.00	0.50	175.00
07/01/2019	NJG E-mails telephone re: settlement proposals.	350.00	0.30	105.00
07/03/2019	NJG Preparation of Motion for Council consideration.	350.00	0.40	140.00
07/05/2019	NJG Preparation for Council presentation.	350.00	0.60	210.00
07/08/2019	NJG Retrieve data for Council presentation, To City Hall for Council presentation and return.	350.00	1.50	525.00
10/10/2019	NJG Review Commissioner Memo/ Tel. B. Slocum	350.00	0.30	105.00
10/11/2019	NJG Review EPE response to Commissioner Memo/Monitor PUC Open meeting for action on proposed order.	350.00	0.80	280.00
10/23/2019	NJG Review EPE revised calculations for change in expenses and			

EECRF 2020

			Rate	Hours	
		bonus/compare changes in rates by class, Identify change in Motion/cover, E-mail to B. Slocum	350.00	0.60	210.00
11/13/2019	NJG	Review Revised Final Order in Commissioner Memo	350.00	0.30	105.00
11/14/2019	NJG	Monitor Final Order Meeting for Action	350.00	0.20	70.00
11/21/2019	NJG	Receipt and Review of Final Order as signed, transmit to client.	350.00	0.20	70.00
		For Current Services Rendered		15.70	5,495.00

	Recap Timekeeper	Rate	Total
Norman J Gordon	15.70	\$350.00	\$5,495.00

Expenses

0528/2019	Courier Charges (UPS) to PUCT	21.65
06/19/2019	Photocopy charges Testimony to be filed	84.95
06/06/2019	ReSolved Energy Consulting	1,980.00
06/19/2019	UPS to PUCT	62.64
07/03/2019	ReSolved Energy Consulting	2,610.00
	Total Advances	4,759.24
	Total Current Work	10,254.24
	Balance Due	<u>\$10,254..24</u>

Please make checks payable to "Norman J. Gordon"

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420
Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
6/6/2019	4402

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 EECRF 49496

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	2	270.00	540.00
Consulting (Cromleigh)	8	180.00	1,440.00
Total Labor			1,980.00
Work Completed thru - May 31, 2019		TOTAL DUE	\$1,980.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
May 3, 2019	Download and review filing.	0.80
May 6, 2019	Continue to review filing.	0.80
May 23, 2019	Call with N. Gordon to discuss procedural schedule and scope of testimony.	0.20
May 29, 2019	Call with N. Gordon to discuss issues and draft procedural schedule.	0.20

2.00

Monthly Recap

Erin Cromleigh

Date	Task	Hours
May 16, 2019	Review filing.	2.60
May 17, 2019	Review filing and identify issues. Work on discovery.	2.00
May 20, 2019	Review Direct Testimony of Perea and expenses.	2.20
May 21, 2019	Review expenses and program summaries.	1.00
May 22, 2019	Review RFI responses to Staff.	0.20
		8.00

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420
Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
7/3/2019	4421

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 EECRF 49496

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	7	270.00	1,890.00
Consulting (Cromleigh)	4	180.00	720.00
Total Labor			2,610.00
Work Completed thru - June 30, 2019		TOTAL DUE	\$2,610.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
June 3, 2019	Review responses to Staff discovery.	0.60
June 11, 2019	Call with N. Gordon to discuss case issues.	0.20
June 13, 2019	Call with N. Gordon to discuss case issues.	0.40
June 14, 2019	Review EECRF rates history.	1.20
June 18, 2019	Revise draft testimony and prepare rate case expense affidavit.	2.00
June 19, 2019	Complete testimony and affidavit. Send to N. Gordon for review. Review completed filing package.	1.60
June 24, 2019	Review responses to Staff discovery.	0.40
June 27, 2019	Call with N. Gordon to discuss program recommendations.	0.40
June 28, 2019	Emails with N. Gordon regarding settlement proposal.	0.20
		7.00

Monthly Recap

Erin Cromleigh

Date	Task	Hours
June 6, 2019	Work on draft testimony.	1.00
June 7, 2019	Work on draft testimony.	1.70
June 13, 2019	Research EECRF rate history by class.	0.80
June 14, 2019	Research EECRF rate history by class.	0.50

4.00

**Delivery Service Invoice**Invoice Date **June 1, 2019**

Invoice Number 000087FR50229

Shipper Number 87FR50

Page 3 of 3

Outbound**UPS Internet Shipping**

Pickup Date	Tracking Number	Service	ZIP Code	Zone	Weight	Published Charge	Incentive Credit	Billed Charge
05/28	1Z87FR500100062628	Next Day Air Commercial Letter	78701	106	Letter	40.11	-20.06	20.05
		Customer Weight			0 5			
		Fuel Surcharge				3.21	-1 61	1.60
		Total				43.32	-21 67	21.65
1st ref: 49496			UserID: Njgordon2					
Sender : Norman Gordon			Receiver: Central Records					
Norman J Gordon			Public Utility Commission of T					
25864 Fairmount Blvd			1701 N Congress					
BEACHWOOD OH 44122			AUSTIN TX 78701					
Total for Internet-ID: Njgordon2						43 32	-21.67	21.65
Total UPS Internet Shipping					1 Package(s)	43.32	-21 67	21.65
Total Outbound					1 Package(s)	43.32	-21.67	21.65

Filing Motion at PUC

**Delivery Service Invoice**

Invoice Date **June 22, 2019**
 Invoice Number **000087FR50259**
 Shipper Number **87FR50**

Page 3 of 3

Outbound**UPS Internet Shipping**

Pickup Date	Tracking Number	Service	ZIP Code	Zone	Weight	Published Charge	Incentive Credit	Billed Charge
06/18	1Z87FR500103820839	Next Day Air Commercial Letter	78701	106	1	66.65	-33.33	33.32
		Customer Weight			0.7			
		Fuel Surcharge				4.50	-2.25	2.25
		Total				71.15	-35.58	35.57

1st ref: 49395

UserID: Njgordon2

Sender : Norman Gordon
 Norman J Gordon
 25864 Fairmount Blvd
 BEACHWOOD OH 44122

Receiver: Central Records
 Public Utility Commission of T
 1701 N Congress
 AUSTIN TX 78701

06/19	1Z87FR500113071648	Next Day Air Commercial	78701	106	8	117.36	-58.68	58.68
		Fuel Surcharge				7.92	-3.96	3.96
		Total				125.28	-62.64	62.64

Charge is for DN 49496
 Testimony Filed at PUC

1st ref: 49395

UserID: Njgordon2

Sender : Norman Gordon
 Norman J Gordon
 25864 Fairmount Blvd
 BEACHWOOD OH 44122

Receiver: Central Records
 Public Utility Commission of T
 1701 N Congress
 AUSTIN TX 78701

Total for Internet-ID: Njgordon2

Total UPS Internet Shipping						196.43	-98.22	98.21
Total Outbound						2 Package(s)	196.43	-98.22
								98.21

Adjustments & Other Charges

Shipping Charge Corrections Learn how to avoid future shipping charge corrections. Visit www.ups.com/avoidcharges.

Pickup Date	Tracking Number	Original Service/Corrected Service	ZIP Code	Zone	Weight	Published Charge	Incentive Credit	Billed Charge	Adjustment Amount
06/19	1Z87FR500113071648	Next Day Air	78701	106	8	117.36	-58.68	58.68	
		Next Day Air	78701	106	9.0	118.18	-59.09	59.09	
		Fuel Surcharge				0.06	-0.03	0.03	0.44

1st ref: 49395

Sender : NORMAN GORDON
 NORMAN J GORDON ATTORNEY
 KANSAS
 EL PASO TX 79901

Receiver: Central Records
 Public Utility Commission of T
 1701 N Congress
 AUSTIN TX 78701

Total Shipping Charge Corrections						1 Package(s)		0.44
Total Adjustments & Other Charges								0.44

49496

The UPS Store - #6488
5120 Mayfield Rd.
Lyndhurst, OH 44124
(440) 421-9073

06/19/19 03:34 PM

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to keep your business going



001	036001 (003)	T1	\$	72.15
	8.5 X 11 Copies	QTY		1443
	Reg Unit Price	\$		0.05
002	038201 (017)	T1	\$	0.24
	Machine Stapling	QTY		12
	Reg Unit Price	\$		0.02
003	010060 (002)	T1	\$	3.85
	12 x 12 x 6 box			
004	030181 (016) ****S****	TO	\$	2.61
	12x12x6 Serv Std			

SubTotal	\$	78.85
COUNTY (T1)	\$	6.10
Total	\$	84.95

CHASE VISA \$ 84.95

ACCOUNT NUMBER * *****4156
Appr Code: 05484D (I) Sale

ENTRY METHOD: ChipRead
MODE: Issuer
AID: A0000000031010
TVR: 0080008000
TSI: F800
AC: B810A48F5240B321
ARC: 00

Receipt ID 83106653486151888675 1457 Items
CSH: LOPA Tran: 8696 Reg: 001

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ATTACHMENT B TO DECLARATION OF
NORMAN J. GORDON

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

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY TO ADJUST	§	
ITS ENERGY EFFICIENCY COST	§	OF
RECOVERY FACTOR AND	§	
ESTABLISH REVISED COST CAP	§	ADMINISTRATIVE HEARINGS

DECLARATION OF KARL J. NALEPA
CONCERNING RESOLVED ENERGY CONSULTING EXPENSES
FOR THE EL PASO ELECTRIC COMPANY 2019 EECRF PROCEEDING

I, Karl J. Nalepa, state the following facts upon my oath.

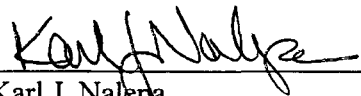
1. My name is Karl J. Nalepa. My business address is 11044 Research Blvd., Suite A-420, Austin, Texas 78759. I am over eighteen years of age and am not disqualified from making this Declaration. I declare under penalty of perjury that the information in this declaration provided under Chapter 132 Texas Civil Practice and Remedies Code is true and correct.
2. I am the President of ReSolved Energy Consulting, LLC, ("REC") and independent utility consulting company.
3. I was retained by the City of El Paso in El Paso Electric Company's 2019 Energy Efficiency Cost Recovery Factor ("EECRF") proceeding before the Public Utility Commission of Texas, Docket No. 49496.
4. I am providing this declaration to address the necessity for, and reasonableness of, REC's actual expenses incurred in Docket No. 49496.
5. REC's actual fees and expenses incurred in Docket No. 49496 related to time spent to review and evaluate the filing, review responses to discovery and assist counsel in settlement negotiations. The hours charged are set forth in Table 1, and the corresponding invoices are attached to this affidavit.

Table 1

<u>Consultant</u>	<u>Hourly Rate</u>	<u>Hours</u>	<u>Total Actual</u>
Karl Nalepa	\$270	9.0	\$2,430.00
Erin Cromleigh	\$180	12.0	\$2,160.00
Total Actual		21.0	\$4,590.00

6. My billing rate was \$270 per hour. This was the normal billing rate that I charged for services provided to both regulated and non-regulated entities. This rate was reasonable for a consultant providing these types of services before utility regulatory agencies in Texas. My hourly rate was especially reasonable given I have more than 30 years of utility rate regulatory experience. Assisting me in this proceeding was Erin Cromleigh. Ms. Cromleigh is a Consultant with REC and has over 10 years of government and regulatory experience. Her billing rate was \$180 per hour. Ms. Cromleigh works under my direction and supervision. Part of the basis for my opinion is a review of the hourly rates charged by other consultants to perform similar services.
7. No REC personnel billed in excess of 12 hours on any given day to this case. No REC personnel incurred any airline, lodging, or meal expenses. No REC personnel charged for any luxury items. There are no instances of double billing for REC's services.
8. Based on the novelty of the issues in the case, my extensive experience relating to analysis of a variety of rate proceeding matters, and the requirements regarding support for rate case expenses before the Public Utility Commission of Texas, I conclude that: (1) REC's hourly rates are reasonable; and (2) the 21.0 actual hours in this case are both reasonable and necessary.

Executed in Travis County, State of Texas, on the 2nd day of July, 2020.


Karl J. Nalepa