



Control Number: 50806



Item Number: 32

Addendum StartPage: 0

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



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

**AGREED MOTION TO IMPLEMENT SETTLEMENT AGREEMENT**

On behalf of itself, the Staff of the Public Utility Commission of Texas (Staff), and the City of El Paso (City), El Paso Electric Company (EPE) submits this Agreed Motion to Implement Settlement Agreement (the Agreement). The parties to this Agreed Motion (the Signatories), who are all the parties to this case other than Texas Industrial Energy Consumers (TIEC), have entered into the Agreement, which was filed on September 3, 2020, in this proceeding. TIEC has indicated that it does not oppose the Agreement. The Agreement addresses EPE's 2020 application to revise its Energy Efficiency Cost Recovery Factor (EECRF). Exhibit A to the Agreement is an updated rate calculation to reflect the terms of the Agreement and Exhibit B to the Agreement is a tariff sheet (the EECRF Tariff) reflecting rates that are designed to recover EPE's EECRF revenue requirement.

The Agreement resolves all issues in this proceeding. The parties have subsequently authorized EPE to file this motion on behalf of the Signatories. To implement the Agreement, the Signatories respectfully request that the Administrative Law Judge (ALJ):

1. admit into the record the documents described in Section I below; and
2. remand this proceeding, including the draft proposed order, to the Commission so that it can consider the Agreement. Attached as Exhibit A to this motion is a draft order for the ALJ to consider that grants these requests. Exhibit C to the Agreement is the draft proposed order for the Commission's consideration.

### **I. MOTION TO ADMIT EVIDENCE**

The Agreement refers to documents that the Signatories request be included in the record to support the Agreement and ultimate order by the Commission. These documents are:

- EPE's Application, which includes the testimony of Crystal A. Enoch and Rene F. Gonzalez and the affidavit of Bret J. Slocum;
- EPE's Proof of Notice filed on June 3, 2020;
- the affidavit of Norman J. Gordon, filed on July 6, 2020, in support of the City's rate case expenses in the 2019 EECRF proceeding;
- the memoranda of Therese Harris; Ruth Stark; and Adrian Narvaez; and
- the Agreement and its attachments.

Admission of these documents into the evidentiary record will allow the Commission to review the parties' litigation positions and evaluate the reasonableness of the Agreement.

### **II. DRAFT PROPOSED ORDER**

The Signatories request that the Commission adopt the draft proposed order attached to the Agreement as Exhibit C.

### **III. REQUEST TO REMAND THE CASE TO THE COMMISSION**

The Signatories request that this case be remanded to the Commission for ultimate disposition.

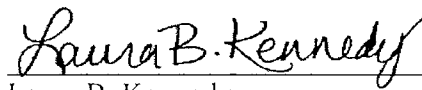
### **IV. CONCLUSION**

The Signatories respectfully request that the ALJ issue an order granting the requests in this motion.

Respectfully submitted,

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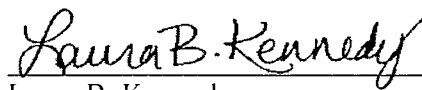


Laura B. Kennedy

**ATTORNEYS FOR EL PASO  
ELECTRIC COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served by email on all parties of record in this proceeding on September 3, 2020.



Laura B. Kennedy

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

<b>APPLICATION OF EL PASO ELECTRIC COMPANY FOR APPROVAL TO REVISE ITS ENERGY EFFICIENCY COST RECOVERY FACTOR AND REQUEST TO ESTABLISH REVISED COST CAP</b>	<b>§ § § § § § §</b>	<b>BEFORE THE STATE OFFICE       OF       ADMINISTRATIVE HEARINGS</b>
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**ORDER NO. XX**  
**ADMITTING EVIDENCE AND RETURNING THE DOCKET TO THE COMMISSION**

On September 3, 2020, El Paso Electric Company (EPE) filed an Agreed Motion to Implement Settlement Agreement. No party opposes the Agreed Motion.

The Agreed Motion requests that the following materials be admitted into the evidentiary record of this proceeding:

- (a) EPE's Application, which includes the testimony of Crystal A. Enoch and Rene F. Gonzalez and the affidavit of Bret J. Slocum;
- (b) EPE's Proof of Notice filed on June 3, 2020;
- (c) the affidavit of Norman J. Gordon, filed on July 6, 2020, in support of the City's rate case expenses in the 2019 Energy Efficiency Cost Recovery Factor (EECRF) proceeding;
- (d) the memoranda of Therese Harris; Ruth Stark; and Adrian Narvaez; and
- (e) the Agreement and its attachments.

The Agreement also included a draft proposed order approving EPE's EECRF. As demonstrated by the filed agreement, there are no disputed issues, and no hearing is required in this proceeding. Therefore, the Motion to Admit Evidence is GRANTED and the request to return this docket, including the draft proposed order, to the Commission is GRANTED to allow the Commission to review and consider the Agreement as soon as possible. An electronic version of the Proposed Order (Exhibit C to the Agreement) SHALL be submitted promptly to the Commission via [cadmorders@puc.texas.gov](mailto:cadmorders@puc.texas.gov).

**SIGNED:** September \_\_\_, 2020.

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**STEVEN H. NEINAST  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**