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SOAH DOCKET NO. 473-21-2528

PUC DOCKET NO. 52153

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APPLICATION OF TEXAS-NEW	§	BEFORE THE STATE OFFICE
MEXICO POWER COMPANY TO	§	
ADJUST ITS ENERGY EFFICIENCY	§	OF
COST RECOVERY FACTOR AND	§	
RELATED RELIEF	§	ADMINISTRATIVE HEARINGS

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE

On May 27, 2021, Texas-New Mexico Power Company (TNMP) filed an application requesting to adjust its Energy Efficiency Cost Recovery Factor (EECRF) for program year 2022 in accordance with PURA¹ § 39.905 and 16 Texas Administrative Code (TAC) §§ 25.181 and 25.182. TNMP requests approval to recover a total of \$7,225,543 through its Rider EECRF in 2022.²

On June 3, 2021, this proceeding was referred to the State Office of Administrative Hearings (SOAH). On June 8, 2021, the SOAH administrative law judge (ALJ) filed SOAH Order No. 1, requiring the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on the sufficiency of TNMP’s proposed notice by June 15, 2021. Therefore, this pleading is late and Staff apologizes to the parties and the SOAH ALJ for the inconvenience.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice filed by TNMP on June 9, 2021 and recommends that the notice satisfies the requirements of 16 TAC § 25.182(d)(13)-(14). The affidavit of Pamela Collins submitted by TNMP states that TNMP completed its notice via electronic mail on May 27, 2021, which is within seven days of the application filing date as required under 16 TAC § 25.182(d)(13). Additionally, in accordance with 16 TAC § 25.182(d)(13), Ms. Collins

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.017 (PURA).

² \$7,225,543 consisting of: (1) estimated 2022 energy efficiency program costs of \$4,958,333; (2) a performance incentive for 2020 program achievements of \$2,321,591; (3) \$57,176 for 2022 EM&V expenses assigned to the Company by Commission Staff; (4) a credit of \$123,590 related to the over-recovery of 2020 program costs; (5) a credit of \$57,289 for the interest related to the over-recovery and (6) \$12,033 in 2020 EECRF proceeding expenses.

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attests that TNMP provided direct notice to each of the parties participating in TNMP's most recent EECRF proceeding,³ all retail electric providers (REPs) authorized to provide service in TNMP's service area at the time of filing, all parties in TNMP's most recently completed base-rate case,⁴ and the Texas Department of Housing and Community Affairs. Finally, the affidavit states that the notices mailed and emailed to four of the REPs were returned as undeliverable and that no on June 7, 2021, a copy of the notice was re-mailed via USPS certified mail to alternate addresses.

Additionally, the proposed form of notice included in the application as Attachment A 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 TNMP's notice be deemed sufficient.

II. CONCLUSION

Staff respectfully requests that an order be issued finding TNMP's application and notice sufficient.

Dated: June 16, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

³ *Application of Texas-New Mexico Power Company to Adjust Energy Efficiency Cost Recovery Factor*, Docket No. 50894, Final Order (Sep. 10, 2020).

⁴ *Application of Texas-New Mexico Power Company for Authority to Change Rates*, Docket No. 48401, Final Order (Dec. 20, 2018).

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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 16, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith