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SOAH DOCKET NO. 473-21-2528
PUC DOCKET NO. 52153

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

SOAH ORDER NO. 5
GRANTING MOTION TO ADMIT EVIDENCE, REMANDING TO THE PUBLIC
UTILITY COMMISSION OF TEXAS, AND DISMISSING CASE FROM SOAH

On July 29, 2021, Texas-New Mexico Power Company (TNMP), staff (Staff) of the Public Utility Commission of Texas (Commission), and Cities Served by TNMP (Cities), through their duly authorized representatives, filed a unanimous Stipulation and Settlement Agreement (Stipulation) resolving all issues in this docket, in which all parties agreed that the total amount to be collected through TNMP's 2022 Energy Efficiency Cost Recovery Factor (EECRF) is \$7,176,355.99. On August 6, 2021, based upon review of TNMP's application in this case and as supported by the attached memoranda of Charles Rudolph, Rate Regulation Division, and Pai Liu, Infrastructure Division, Staff filed its final recommendation, stating that TNMP has complied with all applicable provisions of PURA § 39.905 and 16 Texas Administrative Code § 25.182, and therefore recommended approval of TNMP's application.

On August 20, 2021, the parties filed a Joint Motion to Admit Evidence and Remand to the Commission. The parties also request that the Administrative Law Judge dismiss this proceeding from the docket of the State Office of Administrative Hearings (SOAH). The motion has merit and is **GRANTED**.

In the Stipulation, the Signatories agree to the admission into evidence of the following documents for the limited purpose of supporting their Agreement:

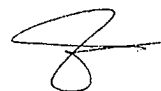
1. TNMP's application and attachments, including the Direct Testimony of Stefani M. Case, the Direct Testimony of Stacy R. Whitehurst, and the Direct Testimony of Michael S. Seamster filed on May 27, 2021;
2. Affidavit Verifying Service by TNMP, filed on June 9, 2021;
3. Commission Staff's Response to SOAH Order No. 1 commenting on Sufficiency of Notice filed on June 16, 2021;
4. TNMP's Responses to Commission Staff's First Request for Information filed on July 6, 2021;
5. TNMP's Responses to Cities' First Request for Information, filed on July 6, 2021;
6. Affidavit of Jamie L. Mauldin with Cities' rate-case expense supporting documentation, filed on July 26, 2021;
7. The Settlement Stipulation filed on July 27, 2021; and
8. Staff's final recommendation.

The Signatories waive cross-examination.

IT IS ORDERED that:

1. The above-referenced documents are **ADMITTED** into the evidentiary record for the limited purpose of supporting the Stipulation.
2. For good cause shown, this case is **DISMISSED** from the State Office of Administrative Hearings' docket.
3. Additionally, this case is **REMANDED** to the Commission for its consideration of the Proposed Order, PUC Interchange Item 24. TNMP **SHALL** submit an electronic version of the Proposed Order, contained in PUC Interchange Item 24, to the Commission via cadmorders@puc.texas.gov.

SIGNED: August 20, 2021.



SRINIVAS BEHARA
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS