



## Filing Receipt

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**APPLICATION OF EL PASO ELECTRIC  
COMPANY TO CHANGE RATES**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**THE UNITED STATES DEPARTMENT OF DEFENSE AND ALL OTHER FEDERAL  
EXECUTIVE AGENCIES' MOTION TO INTERVENE AND REQUEST FOR  
CLARIFICATION**

The United States Department of Defense and all other Federal Executive Agencies (“DoD/FEA”), pursuant to the Public Utility Regulatory Act (“PURA”), Tex. Util. Code Ann. §§ 11.001 et seq., and §§ 22.101, 22.102, and 22.103(b) of the Commission’s Rules of Practice and Procedures, files this Motion to Intervene in the above referenced proceeding and requests clarification on the need for its representative to be admitted as a non-resident attorney, and in support thereof states:

1. The name, address, and telephone number of DoD/FEA’s authorized representative in this matter is:

Kyle J. Smith  
General Attorney  
U.S. Army Legal Services Agency  
Environmental Law Division (JALS-ELD)  
9275 Gunston Road  
Fort Belvoir, VA 22060-4446  
Telephone: (703) 693 – 1274  
Email: [kyle.j.smith124.civ@mail.mil](mailto:kyle.j.smith124.civ@mail.mil)

All pleadings and other documents should be served upon DoD/FEA’s authorized representative.

2. DoD/FEA is an association of federal government executive agencies and departments. DoD/FEA members for this case include, but are not limited to, The United States Department of the Army and Fort Bliss.

3. On June 1, 2021, El Paso Electric Company (“EPE”) filed its application with the Commission seeking to increase its rates.

4. Fort Bliss is located in EPE’s service territory and is one of EPE’s largest customers. Accordingly, DoD/FEA will be impacted by the Commission’s decisions on the application at issue. DoD/FEA, therefore, has a justiciable interest in this matter which may be adversely affected by the outcome of the proceeding that cannot be adequately represented by any other party.

5. The United States Army Office of the Judge Advocate General, and The United States Army Legal Services Agency, Environmental Law Division under the Judge Advocate General’s command, has been delegated sole authority, pursuant to 40 U.S.C. § 501, by the United States General Services Administration to represent DoD/FEA in all matters involving EPE before the Public Utility Commission of Texas.

6. Pursuant to the Commission’s Procedural Rules at § 22.101(a), undersigned counsel is appearing as the designated authorized representative of DoD/FEA. Undersigned counsel is an attorney in good standing, licensed in The State of Florida and The District of Columbia, and a civilian employee of the Department of the Army whose responsibilities include representing DoD/FEA in public utility commission proceedings where The Department of the Army has been designated as the lead. Since § 22.101(a) indicates that any person may serve as a representative and does not require organizational parties to be represented by an attorney, undersigned counsel has interpreted this as allowing non-attorneys to serve as representatives and therefore relieving any requirement for an attorney representative of the Federal Government to seek to be admitted as a non-resident attorney for this activity.

7. Undersigned counsel has appeared as DoD/FEA's representatives in previous matters involving EPE before the Public Utility Commission of Texas without being admitted as a non-resident attorney, based on the above interpretation of the Commission's Procedural Rules. However, undersigned counsel seeks clarification on this point and will comply with any requirements necessary to perform the duty of representing DoD/FEA in this matter.

8. DoD/FEA's representative also attaches the executed Protective Order Certification to this Motion as Exhibit "A."

WHEREFORE, the United States Department of Defense and all other Federal Executive Agencies requests that it be granted leave to intervene as a full party in this proceeding, with all rights attendant to full party status, and requests clarification on whether an authorized representative that is an attorney be admitted as a non-resident attorney in order to comply with the requirement to serve as DoD/FEA's representative in this matter under the Commission's Procedural Rules at § 22.101(a).

August 11, 2021

Respectfully submitted,

/s/ Kyle J Smith  
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**CERTIFICATE OF SERVICE**

I, Kyle J Smith, representative for DoD/FEA, hereby certify that a copy of DoD/FEA's Motion to Intervene and for Clarification was served on all parties of record in this proceeding on August 11, 2021 by electronic mail.

/s/ Kyle J Smith  
Kyle J Smith