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SOAH DOCKET NO. 473-21-2606
PUC DOCKET NO. 52195

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY TO	§	OF
CHANGE RATES	§	ADMINISTRATIVE HEARINGS

**EL PASO ELECTRIC COMPANY’S PETITION FOR REVIEW OF THE
TOWN OF ANTHONY’S ORDINANCE AND MOTION TO CONSOLIDATE**

El Paso Electric Company (“EPE”) hereby appeals the rate decision adopted by the Town of Anthony. This appeal is filed pursuant to sections 33.051 and 33.053 of the Public Utility Regulatory Act (“PURA”).¹ In support of this appeal and motion, EPE shows the following:

I. EPE’S REQUESTED RATE INCREASE

On June 1, 2021, EPE filed with the Public Utility Commission of Texas (“Commission”) a statement of intent and application for authority to increase its electric utility rates to be charged within the areas over which the Commission has original jurisdiction. That statement of intent and application was assigned PUC Docket No. 52195. EPE concurrently filed a similar statement of intent and application with each municipality with original jurisdiction over EPE’s rates.

II. ACTION BY THE TOWN OF ANTHONY

On August 13, 2021, the Town of Anthony denied EPE’s proposed rate change. EPE has received Resolution 2021-49-0809 that reflects this action. The Resolution is attached to this Petition.

III. JURISDICTION

The Commission has jurisdiction over this appeal pursuant to PURA §§ 32.001(b) and 33.051.

IV. MOTION TO CONSOLIDATE

EPE requests that its appeal of the Town of Anthony’s ordinance be consolidated with Docket No. 52195. This appeal involves issues of law and fact common to those involved in Docket No. 52195 and PURA § 33.054 authorizes the Commission to enter a final order establishing rates on a *de novo* basis on appeal of all such municipal rate ordinances. Separate

¹ Tex. Util. Code §§ 11.001 – 66.016.

hearings of this appeal and Docket No. 52195 would result in unwarranted expense, delay, or substantial injustice.

V. CONCLUSION

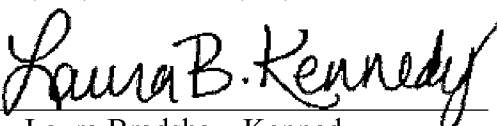
EPE requests that the Administrative Law Judge enter an order consolidating the appeal of the ordinance adopted by the Town of Anthony with Docket No 52195. EPE further requests that EPE be granted the rate relief as requested in its statement of intent and application.

Respectfully submitted,

Matthew K. Behrens
State Bar No. 24069356
Senior Attorney
matthew.behrens@epelectric.com
El Paso Electric Company
100 N. Stanton
El Paso, Texas 79901
(915) 543-5882
(915) 521-4412 (fax)

Bret J. Slocum
State Bar No. 18508200
bslocum@dwmrlaw.com
Casey Bell
State Bar No. 24012271
cbell@dwmrlaw.com
Laura B. Kennedy
State Bar No. 24041234
lkennedy@dwmrlaw.com
Duggins Wren Mann & Romero, LLP
P.O. Box 1149
Austin, Texas 78767
(512) 744-9300
(512) 744-9399 (fax)

By: _____


Laura Bradshaw Kennedy

**ATTORNEYS FOR EL PASO ELECTRIC
COMPANY**

CERTIFICATE OF SERVICE

A copy of the foregoing Petition for Review of the Town of Anthony's Ordinance and Motion to Consolidate has been served by email, upon all parties of record on this July 29, 2021. In addition, a copy of the foregoing Petition for Review of the Town of Anthony's Ordinance and Motion to Consolidate has been served by email on the Town of Anthony on this August 26, 2021.


Laura Bradshaw Kennedy

RESOLUTION NO. 2021- 49-0809

**A RESOLUTION DENYING EL PASO ELECTRIC COMPANY'S APPLICATION TO -
CHANGE RATES**

WHEREAS, El Paso Electric Company ("EPE" or the "Company") distributes electric power within the city limits of the Town of Anthony ("Town") pursuant to a franchise granted to EPE by the Town, and is an electric utility; and

WHEREAS, EPE filed its Application to Change Rates with the Town on June 1, 2021; and

WHEREAS, pursuant to applicable law, the Town maintains original jurisdiction over EPE rates charged within the town limits; and

WHEREAS, EPE has agreed to extend the effective date of the proposed change in rates within the town limits of the Town of Anthony to August 13, 2021; and

WHEREAS, the Town Council has determined that it is in the best interest of its citizens and ratepayers to deny EPE's application.

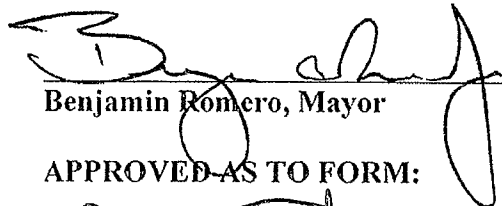
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the TOWN OF ANTHONY, TEXAS:

SECTION 1. That El Paso Electric Company's application to change rates is denied.

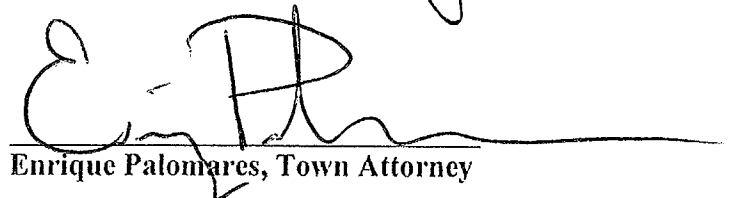
SECTION 2. That the Town Clerk is hereby directed to deliver a copy of this Resolution to El Paso Electric Company promptly after the passage hereof.

PASSED, ADOPTED AND APPROVED by the Town of Anthony, Texas, this 9th day of August, 2021


APPROVED:


Benjamin Romero, Mayor

APPROVED AS TO FORM:


Enrique Palomares, Town Attorney

ATTEST:


Valerie M. Armendariz, Interim Town Clerk



ROLL CALL VOTE:

Mayor Pro-Tem Shawn Weeks

 YES

Councilor Jose Garcia

 YES

Councilor Eddie Chavez

 YES

Councilor Louie Alfaro

 YES

Councilor Soledad Flores

 YES