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Received - 2021-08-27 01:27:04 PM

Control Number - 52195

ItemNumber - 141

**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

**CITY OF EL PASO’S TENTH REQUESTS FOR INFORMATION
TO EL PASO ELECTRIC COMPANY QUESTIONS CEP 10-1 THROUGH CEP 10-20**

The City of El Paso (the “City”) requests that the El Paso Electric Company (“EPE”) provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within twenty (20) calendar days. Please copy the question immediately above the answer to each question. The question(s) are continuing in nature, and if there is a relevant change in circumstances, such as that new or additional information or review reveals that an answer previously made is no longer complete or is inaccurate, that EPE submit an amended answer, under oath, as a supplement to your original answer within five days of the discovery of new or additional information. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

The City requests that EPE serve its respective responses to this Request on the following person via electronic mail and delivery of hard copies:

Norman J. Gordon
PO Box 8
Paso, Texas, 79940
221 N. Kansas, Suite 700
El Paso, Texas, 79901

Manuel Arambula, Senior Assistant City Attorney
Frances M. Maldonado Engelbaum El
300 N. Campbell, Third Floor
El Paso, Texas, 79901
Arambulaml@elpasotexas.gov

DEFINITIONS AND INSTRUCTIONS

1. This Request is directed to El Paso Electric Company ("EPE"). Reference to EPE, "**you**" or "**your**" means all divisions, departments, bureaus, agencies, and all witnesses whose testimony EPE intends to present, and all persons acting or purporting to act for or on behalf of EPE, including its directors, officers, employees, and agents.

2. The terms "**document**" and "**documents**" are used in their broadest sense and shall mean and include all written, printed, electronic, typed, recorded, or graphic matter of every kind and description, including drafts, originals and copies, and all attachments and appendices thereto. Without limiting the foregoing, the terms "document" or "documents" shall include all agreements, contracts, communications, correspondence, letters, telegrams, telexes, messages, memoranda, records, reports, books, summaries, tape recordings or other records of personal conversations, minutes or summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time books, time records, instructions, work assignments, financial statements, work sheets, workpapers, drafts, graphs, maps, charts, tables, accounts, analytical records, consultant reports, appraisals, bulletins, brochures, pamphlets, circulars, trade letters, press releases, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, advertising, recommendations, printouts, compilations, tabulations, analyses, studies, surveys, transcripts of hearings, transcripts of testimony, affidavits, expense reports, microfilm, microfiches, articles, speeches, tape or disk recordings, sound recordings, video recordings, film, tape, photographs, punch cards, programs, data compilation from which information can be obtained (including matter used in data processing) and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, electronically-stored matter, however and by whomever produced, prepared, reproduced, disseminated, or made.

3. "**Person**" means any natural person, firm, association, partnership, joint venture, corporation, estate, trust, receiver syndicate, municipal corporation, government agency, any other form of legal entity, and other group or combination acting as a unit.

4. "**Relating to**" a subject means making a statement about, mentioning, referring to, discussing, describing, reflecting, identifying, dealing with, consisting of, constituting or in any way pertaining, in whole or in part, to the subject.

5. "**Identify**" means:

- a. as to a "person," stating his, her or its:
 - (i) legal, full, and customarily used names;
 - (ii) present residential or business address;
 - (iii) job title; and
 - (iv) name of employer.
- b. as to a document, act, event, transaction or occurrence, stating:
 - (i) its date, authors or participants;
 - (ii) the place where it took place, was created or occurred;
 - (iii) its purpose and subject matter; and
 - (iv) a concise description of what transpired.

6. For each response, please state the Request for Information and identify the individual(s) responsible for preparing and sponsoring the response by name and title.

7. Pursuant to Rule 196.4, Texas Rules of Civil Procedure, any electronic or magnetic data included in the definition of document should be produced on a CD-ROM or similar media that is compatible with Microsoft Office software.

8. For each document produced that is generated by computer, please identify:

- a. the nature and source of the data constituting the input;
- b. the form of the input (e.g., tapes, punch cards);
- c. the recording system employed (e.g., program, flow charts); and
- d. the person(s) responsible for processing the input and/or performing the programming.

9. “**Each**” shall be construed to include the word “**every**” and “**every**” shall be construed to include the word “**each**”.

10. “**Any**” shall be construed to include “**all**” and “**all**” shall be construed to include “**any**.”

11. The terms “**and**” and “**or**” shall be construed as either disjunctive or conjunctive as necessary to make this request inclusive rather than exclusive.

12. The term “**concerning**” includes the following meanings: relating to; pertaining to; regarding; discussion; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically, or factually connected to the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

13. The term “**including**” means and refers to “including but not limited to.”

14. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

15. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

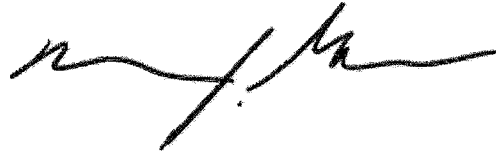
Dated August 27, 2021

Respectfully submitted,

Norman J. Gordon (ngordon@ngordonlaw.com)
State Bar No. 08203700
P.O. Box 8
El Paso, Texas, 79940
221 N. Kansas, Suite 700
El Paso, Texas, 79901
(915) 203 4883

Karla M. Nieman, City Attorney
State Bar No. 24048542
Manuel Arambula, Senior Assistant City Attorney
State Bar No. 24047423
Frances M. Maldonado Engelbaum
State Bar No. 24094272
City of El Paso
300 N. Campbell, 2nd Floor
El Paso, Texas 79901
(915) 212-0033
(915) 212-0034 (fax)
Arambulam1@elpasotexas.gov
Niemankm@elpasotexas.gov
Engelbaumfm@elpasotexas.gov

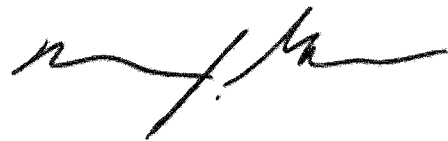
Attorneys for the City of El Paso



By: _____
Norman J. Gordon

Certificate of Service

I certify that a true and correct copy of this document was served by e-mail and/or US mail on all parties of record in this proceeding on August 27, 2021.



Norman J. Gordon

PUC Docket No. 52195
City of El Paso's Tenth RFIs to EPE
Questions CEP 10-1---CEP 10-20

CEP 10-1. Refer to the Direct Testimony of Adrian Hernandez at 6-7. Please identify where in the rate filing are the calculations of the following jurisdictional allocation factors:

- a. 4CP
- b. 4CP-A&E
- c. Energy
- d. Customer
- e. Composite Labor

If the calculations are not in the filing, please provide workpapers, in native (Excel) format with all formulas intact, supporting the calculation of the allocation factors. The source of all inputs to the calculations should be provided or identified in the filing.

CEP 10-2. Refer to the EPE Regulatory Case Working Model, tab *Rate Class Allocation*. Please provide a description and the calculation of each factor used to allocate costs to the rate classes. The calculations should be in native (Excel) format with all formulas intact. The source of all inputs to the calculations should be provided or identified in the filing.

CEP 10-3. **Income tax:** Please provide the effective income tax rates used in WP G-07.09(a).03, tab WP1 Excess TCJA, columns (b) and (d).

CEP 10-4. **Income tax:** Please provide the balance sheet account (accumulated depreciation, regulatory assets or liabilities, etc.) related to each ADIT item on WP G-07.09(a).03, tab WP1 Excess TCJA and explain whether the balance sheet item identified is included in rate base. Please provide the response to this discovery request in Excel compatible format with all formulas intact.

CEP 10-5. **Income tax:** Please provide an analysis of the excess accumulated deferred income taxes at December 31, 2017, identifying each excess accumulated deferred income tax item and providing the temporary book/tax difference related to each item. Please provide the response to this discovery request in Excel compatible format with all formulas intact.

- CEP 10-6. **Income tax:** Please provide the annual amortization of the protected excess accumulated deferred income tax each year 2018 through 2027 and explain whether the amounts for each year are finalized with the filing of the Company's tax returns or based on the prudent tax planning practices.
- CEP 10-7. **Income tax:** Please explain whether the EDIT amortization forecast for 2022 is based on the Company's current or requested depreciation rates.
- CEP 10-8. **Income tax:** Please provide the net operating loss from EPE's filed tax returns each year 2009 through 2017 to the extent that the NOL were carried forward to 2017.
- CEP 10-9. **Income tax:** Please provide the net operating loss carryforward from EPE's filed tax returns each year 2009 through 2017 to the extent that an NOLC was carried forward to 2017.
- CEP 10-10. **Income tax:** Please provide the Schedule M depreciation rate reconciliation amounts from EPE's tax returns each year 2009 through 2017 to the extent that EPE had an NOLC to 2017.
- CEP 10-11. **Income tax:** Please provide the non-utility operating income or losses included in EPE's filed tax returns for each year 2009 through 2017 to the extent that EPE had an NOLC to 2017.
- CEP 10-12. **Income tax:** Please provide the regulatory income and expense exclusions included in EPE's filed tax returns for each year 2009 through 2017 to the extent that EPE had an NOLC to 2017.
- CEP 10-13. **Income tax:** Please explain the extent to which EPE NOLs from prior to the acquisition can be carried back to years prior to 2018 on consolidated returns.
- CEP 10-14. **Income tax:** Please provide copies of EPE's stand-alone tax returns for each year 2009 through 2020.
- CEP 10-15. **Palo Verde:** Please provide a copy of each incentive plan for Palo Verde Employees.

- CEP 10-16. **Palo Verde:** Please provide an analysis of each incentive plan for Palo Verde employees showing the amounts included in test year expenses based on a) company earnings, b) utility investment cost containment, c) expense containment, d) customer service, and e) safety.
- CEP 10-17. **Palo Verde:** Please provide an analysis of each incentive plan for Palo Verde employees showing the amounts included in pro forma expenses based on a) company earnings, b) utility investment cost containment, c) expense containment, d) customer service, and e) safety.
- CEP 10-18. **Palo Verde:** For each short-term incentive compensation plan for which any expense is included in El Paso Electric's pro forma cost of service, please provide the information for Palo Verde's short-term plans:
- a. Please provide a description of each plan.
 - b. Provide a description of each of the goals or performance measures for each plan.
 - c. Provide the amount paid in the test year for each goal or performance measure, by plan.
 - d. Provide the amount included in Pro forma operating expense for each goal or performance measure for each plan.
 - e. Provide the amount included in operating expenses for each plan for each year 2016 through 2020.
 - f. Provide the amount capitalized for each plan for each year 2016 through 2020.
 - g. For each plan, show the amounts and dates of each incentive payment for each year 2016 through 2020.
 - h. For each month 2016 through 2020, provide the amount included in operating expenses for each incentive or bonus plan.
 - i. Provide the amount of any adjustments related to each incentive or bonus plan.
 - j. Provide the jurisdictional allocation factors for each incentive or bonus plan.
 - k. Please provide the amount of payroll taxes associated with each plan in the test year.
- CEP 10-19. **Palo Verde:** For each long-term incentive compensation plan and stock based incentive plan for which any expense is included in El Paso Electric's pro forma cost of service, please provide the information for Palo Verde's long-term and stock-based plans:
- a. Please provide a description of each plan.
 - b. Provide a description of each of the goals or performance measures for each plan.
 - c. Provide the amount awarded in the test year for each goal or performance measure, by plan.

- d. Provide the amount included in pro forma operating expense for each goal or performance measure for each plan.
- e. Provide the amount included in operating expenses for each plan for each year 2016 through 2020.
- f. Provide the amount capitalized for each plan for each year 2016 through 2020.
- g. For each plan, show the amounts and dates of each incentive award or payment for each year 2016 through 2020.
- h. For each month 2016 through 2020, provide the amount included in operating expenses for each plan.
- i. Provide the amount of any adjustments related to each plan.
- j. Provide the jurisdictional allocation factors for each plan.
- k. Please provide the amount of payroll taxes associated with each plan in the test year.

CEP 10-20. Palo Verde: To what extent is the payment of incentive compensation to employees at the discretion of Palo Verde's management or management of the operator's parent company?