



Filing Receipt

Received - 2021-09-03 10:14:48 AM
Control Number - 52195
ItemNumber - 150

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

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

**EL PASO ELECTRIC COMPANY’S PETITION FOR REVIEW OF THE
TOWN OF VAN HORN’S RESOLUTION AND MOTION TO CONSOLIDATE**

El Paso Electric Company (“EPE”) hereby appeals the rate decision adopted by the Town of Van Horn. This appeal is filed pursuant to Sections 33.051 and 33.053 of the Public Utility Regulatory Act (“PURA”). 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 VAN HORN

On August 31, 2021, the Town of Van Horn denied EPE’s proposed rate change. EPE has received Resolution 21-08-014 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 Van Horn’s resolution 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 resolutions. Separate 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 resolution adopted by the Town of Van Horn 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 Van Horn's Resolution and Motion to Consolidate has been served by email, upon all parties of record on this September 3, 2021. In addition, a copy of the foregoing Petition for Review of the Town of Van Horn's Resolution and Motion to Consolidate has been served by email on the Town of Van Horn on this September 3, 2021.



Laura Bradshaw Kennedy

RESOLUTION NO. 21-08-014**A RESOLUTION DENYING EL PASO ELECTRIC COMPANY'S REQUEST FOR
REHEARING ON ITS APPLICATION TO CHANGE RATES**

WHEREAS, El Paso Electric Company ("EPE" or the "Company") distributes electric power within the city limits of the Town of Van Horn ("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's rates charged within the city limits; and

WHEREAS, the City Council denied EPE's application on July 13, 2021; and

WHEREAS, EPE requested a rehearing on its application on August 26, 2021; and

WHEREAS, the City Council finds that it is in the best interest of its citizens and ratepayers to deny EPE's request.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
TOWN OF VAN HORN, TEXAS:**


SECTION 1. That El Paso Electric Company's request for rehearing is denied.

SECTION 2. That the denial of El Paso Electric Company's application to change rates is final.

SECTION 3. That the City Clerk is hereby directed to deliver a copy of this Resolution to El Paso Electric Company promptly after the passage hereof.

ADOPTED by the Town of Van Horn, Texas, this 31 day of August, 2021

APPROVED:


Rebecca L. Brewster, Mayor

ATTEST:


Fran Malafronte, City Secretary

APPROVED AS TO FORM


Steve Mitchell, City Attorney