



## Filing Receipt

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

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

**TEXAS INDUSTRIAL ENERGY CONSUMERS THIRD REQUEST FOR**  
**INFORMATION TO EL PASO ELECTRIC COMPANY**

Pursuant to 16 T.A.C. § 22.144, Texas Industrial Energy Consumers (“TIEC”) requests that El Paso Electric Company (“EPE”) provide all of the information requested in Exhibit “A” within the time frame specified under the procedural schedule set in this proceeding.

Pursuant to 16 T.A.C. § 22.144(c)(2), TIEC further requests that answers to the requests for information be made under oath. Each answer should identify the person responsible for preparing that answer (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can vouch for its accuracy. In producing documents pursuant to this request for information, please indicate the specific request(s) to which the document is being produced. These requests are continuing in nature, and should there be, for any reason, a change in circumstances which would modify or change an answer supplied by you, such changed answer should be submitted immediately as a supplement to your original answer pursuant to 16 T.A.C. § 22.144(i). Please answer each request and sub-request in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the request. TIEC further requests that each item of information be made available as it is completed, rather than upon compilation of all information requested.

All information responsive to the requests on the attached Exhibit “A” should be sent to the following persons via overnight courier, on a piecemeal basis as individual items become available:

Mr. Rex D. VanMiddlesworth  
Mr. Benjamin B. Hallmark  
Mr. Christian Rice  
500 W 2nd Street, Suite 1900  
Austin, TX 78701  
(737) 204-4720  
[rexvanm@omm.com](mailto:rexvanm@omm.com)  
[bhallmark@omm.com](mailto:bhallmark@omm.com)  
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### **DEFINITIONS AND INSTRUCTIONS**

A. “EPE,” “the Company” or “you” refers to El Paso Electric Company, and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons. This definition is not intended to extend an RFI to encompass attorney work product.

B. “Applicant” refers to El Paso Electric Company, and their affiliates, subsidiaries, and any person acting or purporting to act on their behalf, as it relates to this proceeding and related appeals, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons. This definition is not intended to extend an RFI to encompass attorney work product.

C. The terms “document” or “documents” are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced, reproduced or stored by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mail, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. The definition includes electronic information that has been deleted. “Document” or “documents” shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

D. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, TIEC specifically requests that any electronic or magnetic information (which is included in the definition of “document”) that is responsive to a request herein be produced on CD-ROM in a format that is compatible with Adobe Acrobat, Microsoft, Macintosh and/or Word Perfect and be produced with your response to these requests. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the

email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-Rom.

E. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

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

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

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

I. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

J. 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.

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

L. If any document is withheld under any claims of privilege, please furnish a list identifying each document for which a privilege is claimed together with the following information: date, sender, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed. This instruction is not intended to impose an obligation greater than contemplated by the Commission’s rules and any applicable orders in this case.

M. Pursuant to 16 T.A.C. § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

N. If the information requested is included in previously furnished exhibits, workpapers, and responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references.

O. The term “emails” includes the entire email string and all attachments found anywhere within the email string. Please refer to paragraph “D.” regarding specific instructions for producing such items.

P. “Communications” refers to correspondence of any kind, including emails.

Q. “Identify” and “describe” shall have the meaning set forth below according to the context in which the term is used:

- i. When used in reference to an individual, shall mean to state his or her full name, business affiliation, job title, and business address and telephone number;
- ii. When used in reference to a corporation, shall mean to state its full name, its state of incorporation, its address and its principal place of business;
- iii. When used in reference to any entity other than an individual or corporation, shall mean to state its official name, its organizational form and its address;
- iv. When used in reference to a document, shall mean to state the type of document, date, author, addressee, title, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any document, copies thereof may be furnished; and
- v. When used in reference to a communication, shall mean to state the form of the communication (e.g., telephone conversation, letter, telegram, teletype, telecopy, written memorandum, face to face conversation, or any other form), the date of the communication or the dates on which the communication was sent and/or received if not the same, the parties to the communication, the party who initiated it, the substance of the communication, and the present location and the name and address of the custodian if the communication was non-verbal and/or of any written memorialization of the communication.

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Benjamin B. Hallmark

Rex D. VanMiddlesworth

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**ATTORNEYS FOR TEXAS INDUSTRIAL  
ENERGY CONSUMERS**

**CERTIFICATE OF SERVICE**

I, Christian Rice, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 3<sup>rd</sup> day of September, 2021 by electronic mail, facsimile, and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian Rice

Christian Rice

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APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
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**TEXAS INDUSTRIAL ENERGY CONSUMERS THIRD REQUEST FOR  
INFORMATION TO EL PASO ELECTRIC COMPANY**

- TIEC 3-1** Please refer to WP P-07 and EPE's response to CEP 4-6, Attachment 2. Please reconcile the adjusted energy, adjusted 4CP, and adjusted 12CP for New Mexico Rate 10 shown in WP P-07 with that shown in CEP 4-6, Attachment 2. Which depiction of New Mexico Rate 10 loads is correct?
- TIEC 3-2** Please provide the Test Year employer-paid payroll tax expense, if any, associated with the following costs, on a Total Company and Texas jurisdictional basis:
- a. Supplemental Retirement Plan
  - b. Excess Benefit Plan
- TIEC 3-3** Please refer to WP A-3 Adj 04 Pension Benefits, "a. Adj Expenses times cap rat" tab.
- a. Please provide the actuarial reports or other supporting documents that are the basis for the 2021 Actuarial Estimates for RIP, Excess Benefit Plan, SIP, and OPEB costs shown on Excel rows 46-53.
  - b. Please reconcile the 2020 Actual per GL/Actuarial costs for RIP, Excess Benefit Plan, SIP, and OPEB shown on Excel rows 55-62 with the Total Per Book Costs for these items shown on Excel rows 21 and 23. For example, the Total Per Book OPEB cost shown on row 21 is (\$3,674,030) while the 2020 Actual cost per GL/Actuarial is (\$3,848,723). Why is the Per Book cost inconsistent with the actuarially-determined cost for these items?
- TIEC 3-4** Please refer to the Direct Testimony of Cynthia S. Prieto, pages 17-18, regarding bad debt expense:
- a. Please provide the workpaper in Excel format that derives the bad debt expense attributable to the COVID-19 pandemic of \$4,016,247.

- b. Please provide the workpaper in Excel format that derives the three-year average bad debt risk rate and the pandemic bad debt risk rate cited by Ms. Prieto.
- c. Please provide the actual bad debt expense incurred annually in 2017, 2018, 2019, and 2020, by jurisdiction and individual Texas customer class. If bad debt expense is not available by class, please provide this information for larger class groupings (e.g. Residential, Small Commercial and Industrial, Large Commercial and Industrial, Public Authorities) and indicate to which grouping each Texas customer class belongs.
- d. Please cite to where the actual 2020 bad debt expense amounts are shown in the EPE Regulatory Case Working Model - As Filed - Dkt 52195, Case Ledger, by row number.
- e. Please provide the breakdown of the COVID-19 bad debt expense of \$4,016,247 by jurisdiction and individual Texas customer class. If the COVID-19 bad debt expense is not available by class, please provide this information for larger class groupings (e.g. Residential, Small Commercial and Industrial, Large Commercial and Industrial, Public Authorities) and indicate to which grouping each Texas customer class belongs.

**TIEC 3-5** Please refer to Workpaper A-3, Adjustment No. 7, page 2.

- a. Please explain why the Company charged \$3,213,020 of COVID-19-related bad debts (Line No. 14) to regulatory assets and \$803,227 (Line No. 9) to expense. How did the Company determine the amount to charge to regulatory assets and the amount to charge to expense?
- b. Regarding the \$944,710 in Late payment fees not assessed to customers between March 2020 and October 2020 per PUCT orders, shown on Line No. 16, please provide the amount incurred by jurisdiction and individual Texas customer class. If this information is not available by class, please provide this information for larger class groupings (e.g. Residential, Small Commercial and Industrial, Large Commercial and Industrial, Public Authorities) and indicate to which grouping each Texas customer class belongs.