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**SOAH DOCKET NO. 473-21-2606
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| APPLICATION OF EL PASO | § | BEFORE THE STATE OFFICE |
| ELECTRIC COMPANY TO CHANGE | § | OF |
| RATES | § | ADMINISTRATIVE HEARINGS |

**TEXAS INDUSTRIAL ENERGY CONSUMERS FOURTH 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 E. Rice
303 Colorado St., Suite 2750
Austin, TX 78701
(737) 261-8600
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crice@omm.com
OMMeservice@omm.com

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 E. Rice, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 8th day of September, 2021 by electronic mail, facsimile, and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian E. Rice

Christian E. Rice

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- TIEC 4-1** Please refer to WP A-3 Adj 03 Salaries, p. 2 and EPE’s response to CEP 2-12.
- a. Please provide the workpapers in Excel format used to derive the Annual Base Salaries shown in WP A-3 Adj 03 Salaries, p. 2, line 1. This workpaper should include, but not be limited to, the average base salary amount per employee for each category (Operating [Union], Confidential [Non-Union], and Executive [Non-Union]) as of February 1, 2021, and the number of employees in each category as of February 1, 2021.
 - b. According to EPE’s response to CEP 2-12, the annual base salaries include pay increases for non-union employees effective December 21, 2020 and officers effective February 1, 2021. Please provide the average base salary for non-union employees prior to the December 21, 2020 pay increase and the average base salary for officers prior to the February 1, 2021 increase.
 - c. Please provide the average full-time equivalent employee count for each employee category (Operating [Union], Confidential [Non-Union], and Executive [Non-Union]) for each pay period of 2020 through the most recent pay period available in 2021.
- TIEC 4-2** Please refer to the Direct Testimony of Adrian Hernandez, page 8, lines 22-25, EPE’s response to CEP 4-6, Attachment 2 and EPE’s response to CEP 4-7, Attachment 1.
- a. Please explain how the costs of the ten-MW PSEG Solar Energy Center (“Newman Solar PPA”) are recovered from Texas customers. What portion of the costs is recovered through the fixed fuel factor, what portion is recovered from the Texas Community Solar program tariff, and what portion (if any) does EPE propose to recover through base rates in this case? Please cite to where any proposed base rate portion is reflected in EPE Regulatory Case Working Model - As Filed - Dkt 52195.
 - b. Did EPE include an adjustment to Texas’s load used in the calculation of the jurisdictional production cost allocation factors to account for the portion of Texas’s load served by 10 MW Newman Solar PPA? If so, please

cite to where this adjustment is shown in CEP 4-6, Attachment 2 or in the Company's filing. If not, please explain why not.

- c. If the answer to subpart b. is "no," please provide a version of CEP 4-6, Attachment 2 in which Texas's load is adjusted to account for the 10 MW Newman Solar PPA.
- d. For the 10 MW Newman Solar PPA, please provide, in Excel format, the comparable data provided for the resources in CEP 4-7, Attachment 1, including the 2020 Annualized Energy kWh, 2020 Demand Capacity kW, 2020 Annual Capacity Factor, 2020 Degradation Factor, the 2020 Energy and Demand loss gross-up factors and the 2020 hourly interval production data. If 2020 hourly interval data is not available, please provide, at a minimum, the kW produced during the 2020 monthly coincident peaks.

TIEC 4-3 Does EPE's requested revenue requirement include incentive compensation that was paid to Palo Verde Nuclear Generating Station (PVNGS) employees for which the Company was charged? If so, please provide the following.

- a. A copy of the incentive compensation plan(s) in effect during and subsequent to the Test Year.
- b. The Total Company and Texas jurisdictional amount of incentive compensation expense for PVNGS employees that is included in the Test Year and the requested cost by FERC account and location in EPE Regulatory Case Working Model - As Filed - Dkt 52195.
- c. A breakdown of the PVNGS incentive compensation expense that is included in the revenue requirement into the portion related to the achievement of financially-related goals and the portion related to non-financial goals.

TIEC 4-4 According to the Direct Testimony of Larry J. Hancock, page 33, EPE annualized depreciation expense for plant that was added throughout the Test Year.

- a. Please provide, in the same Excel format as Schedule D-4, the portion of each applicable adjustment listed in the Schedule D-4 "Adjustments" column that is attributable to the annualization of depreciation expense for plant added throughout the Test Year. Please provide this information for each plant/account category in Schedule D-4.
- b. Has EPE made any adjustments to accumulated depreciation associated with plant that was added during the Test Year? If EPE has made any adjustments to accumulated depreciation for plant that was added during the Test Year, please indicate the amount of such adjustments and the associated plant additions, and cite to the location in the Company's filing where these adjustments are presented.