



## Filing Receipt

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

<b>APPLICATION OF EL PASO</b>	§	<b>PUBLIC UTILITY COMMISSION</b>
<b>ELECTRIC COMPANY TO CHANGE</b>	§	
<b>RATES</b>	§	<b>OF TEXAS</b>

**LOCAL 960, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS'**

**RENEWED MOTION TO INTERVENE**

**TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:**

Pursuant to 16 TEX. ADMIN. CODE (“TAC”) §§ 22.103 and 22.104, Local 960 of the International Brotherhood of Electrical Workers, AFL-CIO (the “Union”) files this Renewed Motion to Intervene in the above styled and numbered docket and respectfully requests an order permitting its intervention and participation in this proceeding. On August 20, 2021, the Union erroneously filed its original Motion to Intervene (attached as **Exhibit A**) (“original Motion”) with the State Office of Administrative Hearings (“SOAH”), rather than with the Public Utility Commission.

On August 23, 2021, an Order was issued wherein the presiding officers, Administrative Law Judges Christiaan Siano and Srinivas Behara refrained from addressing the Union’s original Motion due to its erroneous docket filing. In compliance with the Order’s instruction that all filings must be filed with Public Utility Commission, the Union herein refiles its Motion to Intervene.

However, assuming *arguendo* that this Motion is now considered untimely, the Union herein respectfully requests to be granted intervention in this matter pursuant to 16 TAC § 22.104(d). In reviewing a late filed motion to intervene, the presiding officer shall consider the following factors: any objections that are filed, whether the movant had good cause for failing to file the motion within the time prescribed, any prejudice or additional burdens to existing parties that may result from permitting late intervention, any disruption to the proceeding that may result

from permitting late intervention, and whether the public interest will be likely served by allowing the intervention. *Id.* at (d)(1)(A-E).

Undersigned counsel just read Administrative Law Judges Christiaan Siano and Srinivas Behara's issued order and its notice that his office inadvertently filed the Union's original Motion in the wrong online filing system. Obviously, it was not the Union's intention to file this motion on an untimely basis, as evidenced by the Union's originally filed Motion. Moreover, the Union does not believe its late intervention will create any prejudice or additional burdens upon the existing parties, or that its late intervention will disrupt the proceeding. The parties were all notified of the Union's original Motion by way of the File and Serve Texas. Lastly, as noted in paragraphs ¶¶ 2-5 of the original Motion, public interest will be served by allowing the intervention of hundreds of El Paso Electric's employees' designated representative.

**PRAYER**

Pursuant to 16 TAC § 22.104(d), the Union respectfully requests that its late motion to intervene be granted.

DATED this 6th day of October 2021.

Respectfully submitted,

/s/ Nicholas J. Enoch

Nicholas J. Enoch, Esq.  
State Bar No. 24042618  
Lubin & Enoch, P.C.  
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El Paso, Texas 79901  
Phone No. (915) 585-8008

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was efiled with the Public Utility Commission and was served on all Intervenors in this proceeding on this 6th day of October 2021 by facsimile, electronic mail, or first class, U.S. Mail.

/s/ Nicholas J. Enoch

# Exhibit A

FILED  
473-21-2606  
8/20/2021 4:40 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

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

ACCEPTED  
473-21-2606  
08/20/2021 4:43 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**APPLICATION OF EL PASO § PUBLIC UTILITY COMMISSION**  
**ELECTRIC COMPANY TO CHANGE §**  
**RATES § OF TEXAS**

**LOCAL 960, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS'**

**MOTION TO INTERVENE**

**TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:**

Pursuant to 16 TEX. ADMIN. CODE (“TAC”) §§ 22.103 and 22.104, Local 960 of the International Brotherhood of Electrical Workers, AFL-CIO (the “Union”) files this Motion to Intervene in the above styled and numbered docket and respectfully requests an order permitting its intervention and participation in this proceeding. In support of this, the Union states as follows:

1. On June 1, 2021, El Paso Electric Company (“EPE”) filed a Petition and Statement of Intent to change its base rates.

2. The Union is directly and substantially impacted by the proceedings in as much as it is the duly elected and recognized exclusive bargaining agent for several hundred employees of EPE. These employees include, but are not limited to, power plant operators, power plant insulators, power plant mechanics, power plant electricians, power plant laboratory technicians, power plant vibration specialists, lineman, inspectors of wiring and metering, equipment operators, operations and maintenance technicians, electrical technicians, substation electricians, transmission fleet technicians, meter technicians, equipment operators, and customer service representatives. The Union and EPE have a series of collective bargaining agreements dating back to 1944, all concerning pay, wages, hours of employment, and other terms and conditions of employment.

3. EPE itself recognizes the vital role that its employees play in the utility’s ability to meet its customers’ needs. EPE has attributed its high reliability ratings in Texas and New Mexico to its

employees. EPE, Reliability Information (2019), Accessible at <https://www.epelectric.com/outage-center/outage-tips-and-more/reliability-information>. The Union agrees with EPE that its employees are dedicated and key to “maintaining the equipment, system reliability, and getting [EPE’s] customers’ service restored as quickly and safely as possible”. *Id.*

4. The input of EPE employees’ elected representatives is valuable to this proceeding. The Union may present evidence on issues in this proceeding as is appropriate to address EPE’s necessity to attract, retain, and support its employees in their provision of safe and reliable service to the public.

5. The Union is confident that its participation in these proceedings will not unduly broaden the issues presented herein. Likewise, given their unique status as the exclusive representative of hundreds of employees who work directly for EPE and its electrical systems, no existing party or potential party could adequately protect the interests of the Union or offer the perspective the Union is uniquely positioned to present.

6. Moreover, because the Union leases an office in the EPE service territory and, by implication, is a customer of EPE, the Union may be impacted by any determinations that the Commission may make regarding EPE’s application from the standpoint of a customer.

7. The Union’s intervention is timely.

8. The Union commits to complying with all established deadlines.

9. Accordingly, pursuant to 16 TAC § 21.103(b)(2), the Union has and represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding.

10. The Union hereby designates the following individuals as its authorized representatives for purposes of this proceeding and request that all pleadings, notices, correspondences, or other documents be served on them:

Nicholas J. Enoch, Esq.  
Lubin & Enoch, P.C.  
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The Union respectfully requests that the Commission and all parties to this proceeding serve copies of all notices, correspondence, pleadings, briefs, requests for information, and other documents on the Union's above-listed representatives.

**PRAYER**

The Union respectfully requests that its motion to intervene be granted and that it receives such other and further relief to which it may be justly entitled.

DATED this 20th day of August 2021.

Respectfully submitted,

/s/ Nicholas J. Enoch

Nicholas J. Enoch, Esq.  
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Suite 700  
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Phone No. (915) 585-8008



**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was efiled with the State Office of Administrative Hearings, through File and Serve Texas, and was served on all Intervenors in this proceeding on this 20th day of August 2021 by facsimile, electronic mail, or first class, U.S. Mail.

/s/ Nicholas J. Enoch