

Manny Arambula
Senior Assistant City Attorney
Office of the City Attorney
300 N. Campbell, 2nd Floor
El Paso, TX 79901
Phone (915)212-1113
Fax (915)212-0034

From: Heather Garrett <hgarrett@garrettgroupllc.com>
Sent: Wednesday, October 6, 2021 5:47 AM
To: Arambula, Manuel <ArambulaM1@elpasotexas.gov>
Subject: El Paso Electric DN 52195 - Sept 2021 Invoice

|| You don't often get email from hgarrett@garrettgroupllc.com. [Learn why this is important](#)

Attached is our invoice for September 2021 in the above-referenced matter. We appreciate the opportunity to work with you.

Kind regards,

Heather A. Garrett
Garrett Group Consulting, Inc.
4028 Oakdale Farm Circle | Edmond, OK | 73013
(405) 205-9502

GARRETT GROUP CONSULTING, INC.
4028 OAKDALE FARM CIRCLE
EDMOND, OK 73013

TELEPHONE (405) 239-2226

E-MAIL: MGARRETT@GARRETTGROUPLLC.COM

October 6, 2021

City of El Paso
Attn: Office of the City Attorney
P.O. Box 1890
El Paso, TX 79950-1890

RE: *El Paso Electric Co., PUC Docket No. 52195*
Garrett Group Consulting, Inc. TIN: 83-2450199

Dear Manny:

Our invoice for professional services for September 2021 in connection with the above-referenced case follows:

I. Professional Services:

A.	Mark Garrett, JD, CPA — <i>(Details in Attachment A)</i>	16.5 hours at \$270.00 per hour	\$4,455.00
B.	Ed Farrar, CPA — <i>(Details in Attachment B)</i>	5.0 hours at \$150.00 per hour	\$750.00
C.	Heather Garrett, JD, CPA — <i>(Details in Attachment C)</i>	9.0 hours at \$200.00 per hour	\$1,800.00

II. Expenses:

Contractual charge-routine expenses	<u>\$280.20</u>
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III. Total Invoice:

\$7,285.20

We appreciate the opportunity to work with you on this case. Please call me if you should have any questions.

Sincerely,


Mark B. Garrett

Attachments

Attachment A

Mark Garrett

Consulting Tasks for

El Paso PUC Docket No. 52195

Billing Period: September 2021

Dates	Tasks	Hours
September		
1	Issue development and analysis; discovery issues;	2.5
2	Review tax issues;	2.0
7	Telephone conference - Connie Canady; review issue outline; tax discovery issue;	4.0
15	Work on issues; review discovery;	2.0
16	Work on issues; review discovery;	2.0
18	Work on issues; review discovery;	2.0
20	Review discovery;	2.0
	Total	16.5

Attachment B

Ed Farrar

Consulting Tasks for
El Paso PUC Docket No. 52195
Billing Period: September 2021

Dates	Tasks	Hours
September		
1	Review and discuss discovery questions;	1.0
8	Review discovery, join telephone conference;	3.0
30	Review discovery and exhibits, perform analysis;	1.0
	Totals	5.0

Attachment C
Heather Garrett

Consulting Tasks for
El Paso PUC Docket No. 52195
Billing Period: September 2021

Dates	Tasks	Hours
September		
8	Review discovery; conference re: issues;	3.0
13	Review testimony and exhibits, review discovery;	1.5
15	Review discovery;	2.5
21	Review discovery; work on schedules;	2.0
	Totals	9.0

From: [Heather Garrett](#)
To: [EP City Attorney - Accounts Payable](#); [Engelbaum, Frances M.](#)
Cc: [mgarrett_garrettgroupllc.com](#)
Subject: FW: El Paso Electric DN 52195 - Sept 2021 Invoice
Date: Friday, October 8, 2021 12:06:40 PM
Attachments: [EPE DN 52195; June-Aug 2021.pdf](#)
[El Paso Electric PUC Docket No. 52195 Sept 2021.pdf](#)

 You don't often get email from hgarrett@garrettgroupllc.com. [Learn why this is important](#)

I am forwarding these two invoices (Jun-Aug 2021) and (Sept 2021) per the instructions of Manny Arambula (see email below). I appreciate your help on this. Please contact me if you need anything further in processing these invoices.

Best regards,
Heather

From: Heather Garrett
Sent: Wednesday, October 6, 2021 9:23 AM
To: Arambula, Manuel <ArambulaM1@elpasotexas.gov>
Subject: RE: El Paso Electric DN 52195 - Sept 2021 Invoice

Manny,

Much appreciated. I will send the invoices to the Accounts Payable email and to Ms. Engelbaum.

Best regards,
Heather

From: Arambula, Manuel <ArambulaM1@elpasotexas.gov>
Sent: Wednesday, October 6, 2021 9:13 AM
To: Heather Garrett <hgarrett@garrettgroupllc.com>
Cc: EP City Attorney - Accounts Payable <EPCityAttorney-AccountsPayable@elpasotexas.gov>; Engelbaum, Frances M. <EngelbaumFM@elpasotexas.gov>
Subject: FW: El Paso Electric DN 52195 - Sept 2021 Invoice

Heather,

Thank you for remitting your invoices. When sending them to the City you are, of course, welcome to CC them to me, but they must be sent to the Accounts Payable email address for immediate processing. I would also recommend that you CC them to Frances Engelbaum who is also a member of the Utilities team so that, if you need, you can ask her any questions if I should be unavailable. Sincerely,

Manny Arambula
Senior Assistant City Attorney
Office of the City Attorney
300 N. Campbell, 2nd Floor
El Paso, TX 79901
Phone (915)212-1113
Fax (915)212-0034

From: Heather Garrett <hgarrett@garrettgroupllc.com>
Sent: Wednesday, October 6, 2021 5:47 AM
To: Arambula, Manuel <ArambulaM1@elpasotexas.gov>
Subject: El Paso Electric DN 52195 - Sept 2021 Invoice

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Attached is our invoice for September 2021 in the above-referenced matter. We appreciate the opportunity to work with you.

Kind regards,

Heather A. Garrett
Garrett Group Consulting, Inc.
4028 Oakdale Farm Circle | Edmond, OK | 73013
(405) 205-9502

Resolve Utility Consulting
David Garrett

**Resolve Utility Consulting PLLC**

101 Park Avenue
Suite 1125
Oklahoma City, Oklahoma 73102
(405) 249-1050

INVOICE

Bill To

City of El Paso

Attn: Office of the City Attorney
P.O. Box 1890
El Paso, Texas 79950-1890

Invoice Date 08/22/21

Invoice# INV-000459

Project Name El Paso Electric, PUC
Docket No. 52195,
Vendor #1000058684,
Tax ID #81-3933909

Task & Date	Hours	Rate	Amount
Draft and review discovery, and review testimony and application 07/18/21	2.00	200.00	400.00
Review application, testimony, workpapers, exhibits and discovery 07/19/21	3.50	200.00	700.00
Review application, testimony, workpapers, exhibits and discovery 07/21/21	2.75	200.00	550.00
Review application, testimony, workpapers, exhibits and discovery 07/26/21	3.00	200.00	600.00
Review application, testimony, workpapers, exhibits and discovery 07/29/21	2.50	200.00	500.00
Total Hours 13.75		Total	\$2,750.00
		Balance Due	\$2,750.00

**Resolve Utility Consulting PLLC**

101 Park Avenue
Suite 1125
Oklahoma City, Oklahoma 73102
(405) 249-1050

INVOICE**Bill To****City of El Paso**

Attn: Office of the City Attorney
P.O. Box 1890
El Paso, Texas 79950-1890

Invoice#

INV-000478

Invoice Date

10/04/21

Project Name

El Paso Electric, PUC
Docket No. 52195,
Vendor #1000058684,
Tax ID #81-3933909

Task & Date	Hours	Rate	Amount
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/02/21	3.75	200.00	750.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/04/21	3.50	200.00	700.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/05/21	3.00	200.00	600.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/07/21	3.50	200.00	700.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/11/21	2.25	200.00	450.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/12/21	3.00	200.00	600.00

Task & Date	Hours	Rate	Amount
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/14/21	2.50	200.00	500.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/16/21	4.75	200.00	950.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/18/21	3.75	200.00	750.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/20/21	2.50	200.00	500.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/21/21	2.00	200.00	400.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/23/21	3.00	200.00	600.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/25/21	3.25	200.00	650.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/27/21	4.50	200.00	900.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 08/31/21	2.50	200.00	500.00

Total Hours 47.75

Total \$9,550.00

Balance Due \$9,550.00

APPROVED FOR PAYMENT

Legal Department


DEPARTMENT Manuel Arambula

PRINT NAME _____

SIGNATURE 915-212-0033

DATE _____ PHONE # _____

From: [David Garrett](#)
To: [EP City Attorney - Accounts Payable](#)
Subject: RE: Invoice - PUC Docket No. 52195, Vendor # 1000058684, Tax ID # 81-3933909
Date: Monday, October 4, 2021 1:00:43 PM
Attachments: [Invoice - PUC 52195, Vendor 1000058684, 08-21.pdf](#)
[Invoice - PUC 52195, Vendor 1000058684, 09-21.pdf](#)

 You don't often get email from dgarrett@resolveuc.com. [Learn why this is important](#)
Hello Noemi,

I've attached invoices for August and September for PUC Docket No. 52195. Also, when you get a chance I thought we might have a phone call about some payments I received that I am having trouble reconciling with invoices I had sent. Please let me know if you have any questions. Thanks!

David Garrett
Resolve Utility Consulting PLLC
101 Park Avenue, Suite 1125
Oklahoma City, OK 73102
(405) 249-1050

From: Saldana, Noemi S. <SaldanaNS@elpasotexas.gov> **On Behalf Of** EP City Attorney - Accounts Payable
Sent: Monday, August 30, 2021 4:50 PM
To: 'dgarrett@resolveuc.com' <dgarrett@resolveuc.com>
Subject: FW: Invoice - PUC Docket No. 52195, Vendor # 1000058684, Tax ID # 81-3933909

Good afternoon,

Would you please update invoice with Invoice Date and resubmit?

Thank you.

Have a wonderful day!

Noemi S. Saldana
Senior Office Assistant
Office of the City Attorney
(915)212-0033

From: David Garrett <dgarrett@resolveuc.com>
Sent: Sunday, August 22, 2021 10:23 AM
To: EP City Attorney - Accounts Payable <EPCityAttorney-AccountsPayable@elpasotexas.gov>
Subject: Invoice - PUC Docket No. 52195, Vendor # 1000058684, Tax ID # 81-3933909

Hello,

I've attached July's invoice for work performed on PUC Docket No. 52195. Please let me know if you have any questions. Thanks.

David Garrett
Resolve Utility Consulting PLLC
101 Park Avenue, Suite 1125
Oklahoma City, OK 73102
(405) 249-1050

**Resolve Utility Consulting PLLC**

101 Park Avenue
Suite 1125
Oklahoma City, Oklahoma 73102
(405) 249-1050

INVOICE**Bill To****City of El Paso**

Attn: Office of the City Attorney
P.O. Box 1890
El Paso, Texas 79950-1890

Invoice#

INV-000479

Invoice Date

10/04/21

Project Name


El Paso Electric, PUC
Docket No. 52195,
Vendor #1000058684,
Tax ID #81-3933909

Task & Date	Hours	Rate	Amount
Conduct depreciation analyses and review testimony, workpapers and depreciation study 09/03/21	4.00	200.00	800.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 09/09/21	4.25	200.00	850.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 09/18/21	3.75	200.00	750.00
Conduct depreciation analyses and review testimony, workpapers and depreciation study 09/30/21	4.00	200.00	800.00

Total Hours 16.00

Total**\$3,200.00****Balance Due****\$3,200.00**

From: [David Garrett](#)
To: [EP City Attorney - Accounts Payable](#)
Subject: RE: Invoice - PUC Docket No. 52195, Vendor # 1000058684, Tax ID # 81-3933909
Date: Monday, October 4, 2021 1:00:43 PM
Attachments: [Invoice - PUC 52195, Vendor 1000058684, 08-21.pdf](#)
[Invoice - PUC 52195, Vendor 1000058684, 09-21.pdf](#)

 You don't often get email from dgarrett@resolveuc.com. [Learn why this is important](#)
Hello Noemi,

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David Garrett
Resolve Utility Consulting PLLC
101 Park Avenue, Suite 1125
Oklahoma City, OK 73102
(405) 249-1050

From: Saldana, Noemi S. <SaldanaNS@elpasotexas.gov> **On Behalf Of** EP City Attorney - Accounts Payable
Sent: Monday, August 30, 2021 4:50 PM
To: 'dgarrett@resolveuc.com' <dgarrett@resolveuc.com>
Subject: FW: Invoice - PUC Docket No. 52195, Vendor # 1000058684, Tax ID # 81-3933909

Good afternoon,

Would you please update invoice with Invoice Date and resubmit?

Thank you.

Have a wonderful day!

Noemi S. Saldana
Senior Office Assistant
Office of the City Attorney
(915)212-0033

From: David Garrett <dgarrett@resolveuc.com>
Sent: Sunday, August 22, 2021 10:23 AM
To: EP City Attorney - Accounts Payable <EPCityAttorney-AccountsPayable@elpasotexas.gov>
Subject: Invoice - PUC Docket No. 52195, Vendor # 1000058684, Tax ID # 81-3933909

Hello,

I've attached July's invoice for work performed on PUC Docket No. 52195. Please let me know if you have any questions. Thanks.

David Garrett
Resolve Utility Consulting PLLC
101 Park Avenue, Suite 1125
Oklahoma City, OK 73102
(405) 249-1050

Norwood Energy Consulting, LLC
Scott Norwood

Norwood Energy Consulting, L.L.C.

P. O. Box 30197
Austin, Texas 78755-3197
scott@scottnorwood.com
(512) 297-1889

Mr. Manny Arambula
Senior Assistant City Attorney
Office of the City Attorney
300 N. Campbell, 2nd Floor
El Paso, TX 79901

Date: 10-18-21
Tax ID #: 26-2374359
Invoice#: EPERate JUN21

Re: EPE Base Rate Case Analysis - PUC Docket No. 52195

Statement for professional services rendered 6-25-21 through 6-30-21

6-25-21	Reviewed EPE's direct testimony; drafted RFIs`	7.0 hrs
6-26-21	Reviewed EPE's testimony on power plant performance and operating expenses; drafted RFIs	6.5 hrs
6-28-21	Reviewed EPE's testimony and the Order from the Company's 2017 rate case; drafted RFIs	4.0 hrs
6-29-21	Reviewed EPE's testimony on transmission and distribution issues; drafted RFIs	4.5 hrs
6-30-21	Reviewed EPE's testimony; reviewed Newman 5 issues; drafted RFIs	<u>4.0 hrs</u>

Total hours: 26.0 hrs

Total due: 26.0 hours at \$220 per hour = \$5,720

Thank you for the opportunity to assist with this project.

Norwood Energy Consulting, L.L.C.

P. O. Box 30197
Austin, Texas 78755-3197
scott@scottnorwood.com
(512) 297-1889

Mr. Manny Arambula
Senior Assistant City Attorney
Office of the City Attorney
300 N. Campbell, 2nd Floor
El Paso, TX 79901

Date: 10-18-21
Tax ID #: 26-2374359
Invoice#: EPERate JUL21

Re: EPE Base Rate Case Analysis - PUC Docket No. 52195

Statement for professional services rendered 7-1-21 through 7-31-21

7-05-21	Reviewed EPE's direct testimony on production O&M`	5.5 hrs
7-06-21	Reviewed EPE's direct testimony on PVNGS issues`	7.5 hrs
7-12-21	Reviewed EPE's RFI responses and testimony	5.0 hrs
7-13-21	Reviewed EPE's RFI responses; drafted RFIs`	6.5 hrs
7-22-21	Reviewed EPE's testimony and RFI responses`	6.0 hrs
7-29-21	Reviewed EPE's RFI responses; reviewed capital additions	<u>5.5 hrs</u>

Total hours: 36.0 hrs

Total due: 36.0 hours at \$220 per hour = \$7,920

Thank you for the opportunity to assist with this project.

Norwood Energy Consulting, L.L.C.

P. O. Box 30197
Austin, Texas 78755-3197
scott@scottnorwood.com
(512) 297-1889

Mr. Manny Arambula
Senior Assistant City Attorney
Office of the City Attorney
300 N. Campbell, 2nd Floor
El Paso, TX 79901

Date: 10-18-21
Tax ID #: 26-2374359
Invoice#: EPERate AUG21

Re: EPE Base Rate Case Analysis - PUC Docket No. 52195

Statement for professional services rendered 8-1-21 through 8-31-21

8-10-21	Reviewed EPE's testimony on transmission O&M expense	5.0 hrs
8-12-21	Reviewed RFI responses and testimony on reliability projects	7.5 hrs
8-13-21	Reviewed reliability reports; reviewed PVNGS O&M	6.0 hrs
8-19-21	Reviewed PVNGS performance and O&M expense	6.5 hrs
8-25-21	Reviewed EPE's testimony on Newman plant outages; reviewed RFI responses	7.0 hrs
8-27-21	Reviewed RFI responses; worked on RFIs	<u>6.0 hrs</u>

Total hours: 38.0 hrs

Total due: 38.0 hours at \$220 per hour = \$8,360

Thank you for the opportunity to assist with this project.

Norwood Energy Consulting, L.L.C.

P. O. Box 30197
Austin, Texas 78755-3197
scott@scottnorwood.com
(512) 297-1889

Mr. Manny Arambula
Senior Assistant City Attorney
Office of the City Attorney
300 N. Campbell, 2nd Floor
El Paso, TX 79901

Date: 10-18-21
Tax ID #: 26-2374359
Invoice#: EPERate SEP21

Re: EPE Base Rate Case Analysis - PUC Docket No. 52195

Statement for professional services rendered 9-1-21 through 9-30-21

9-07-21	Reviewed EPE's direct testimony; drafted RFIs`	7.0 hrs
9-10-21	Reviewed EPE's direct testimony; drafted RFIs`	6.5 hrs
9-13-21	Reviewed EPE's direct testimony; drafted RFIs`	5.0 hrs
9-23-21	Reviewed EPE's direct testimony; drafted RFIs`	6.0 hrs
9-27-21	Reviewed EPE's direct testimony; drafted RFIs`	7.0 hrs
9-28-21	Reviewed EPE's testimony on power plant performance and operating expenses; drafted RFIs	6.5 hrs
9-29-21	Reviewed EPE's testimony; reviewed Newman 5 issues; drafted RFIs	<u>2.0 hrs</u>

Total hours: 40.0 hrs

Total due: 40.0 hours at \$220 per hour = \$8,800

Thank you for the opportunity to assist with this project.

VI. NORWOOD ENERGY CONSULTING'S RATE CASE EXPENSE

Q. WHAT SERVICES HAS NORWOOD ENERGY CONSULTING PROVIDED TO THE CITY OF EL PASO IN THIS CASE?

A. The services provided by Norwood Energy Consulting to City of El Paso to date include:
1) review and analysis of EPE's direct testimony; 2) preparation of discovery; 3) analysis of EPE's discovery responses, 4) review of past testimony and orders addressing issues in this case, 5) identification and analysis of issues; and 6) preparation of direct testimony.

Q. WHAT ARE THE TOTAL CHARGES INCURRED BY NORWOOD ENERGY CONSULTING FOR SERVICES PROVIDED TO CITY OF EL PASO IN THIS CASE?

A. Norwood Energy Consulting has incurred total charges of \$30,800 for services it has provided to the City of El Paso through September 30, 2021.

Q. ARE THE HOURLY RATES CHARGED TO CITY OF EL PASO BY NORWOOD ENERGY CONSULTING FOR THIS CASE REASONABLE AND CONSISTENT WITH THE FEES CHARGED BY OTHER FIRMS FOR SIMILAR CONSULTING SERVICES?

A. Yes. My hourly rate of \$220 for services provided to City of El Paso is reasonable when compared to the hourly rates charged by other regulatory consultants with similar

experience, based on my personal knowledge of rates charged in other proceedings. The hourly rate charged for this project is equal to or less than the hourly rates charged by Norwood Energy Consulting to other clients for similar services for contracts entered into during the time period contemporaneous with this proceeding.

Q. HAVE THE SERVICES PERFORMED BY NORWOOD ENERGY CONSULTING FOR THE CITY OF EL PASO IN THIS PROCEEDING BEEN PROVIDED IN A PROFESSIONAL, TIMELY, AND EFFICIENT MANNER?

A. Yes. The services provided to the City of El Paso by Norwood Energy Consulting are detailed on monthly invoices, which include a description of the services performed, and the number of hours charged in each day. The amounts charged for such services are reasonable, the calculation of the charges is correct, and there has been no double-billing of any charges. All work performed was conducted in a timely and efficient manner, and is relevant and necessary to address issues identified by Norwood Energy Consulting in this the proceeding.

Q. HAS NORWOOD ENERGY CONSULTING CHARGED 12 OR MORE HOURS IN ANY ONE DAY ON THIS PROJECT?

A. No.

Q. HAS NORWOOD ENERGY CONSULTING CHARGED ANY AMOUNTS FOR TRAVEL, LODGING, MEALS, OR OTHER EXPENSES INCURRED DIRECTLY FOR THIS PROJECT?

A. No. Norwood Energy Consulting only charges for the actual services provided.

Q. WHAT ARE THE ESTIMATED REMAINING CHARGES FOR NORWOOD ENERGY CONSULTING TO COMPLETE THIS CASE?

A. I estimate that Norwood Energy Consulting will incur an additional \$22,000 for services provided to the City of El Paso after September 30, 2021, including: 1) completion of analysis of issues; 2) preparation of direct testimony; 3) review of direct testimony filed by other parties; 4) review of EPE's rebuttal testimony; 5) assistance with settlement negotiations; 6) assistance with development and support of cross examination; 7) preparation for testifying, 8) attendance and submittal of testimony at the hearing; and 9) assistance with briefs and any appeals.

Q. HAS THE CITY INCURRED OTHER CHARGES FOR THIS CASE?

A. Yes. Norman J. Gordon and members of his firm have incurred charges totaling \$XX through September 30, 2021. These charges are reasonable and are addressed further in Mr. Gordon's affidavit, which is attached to my testimony.¹

Q. DOES THAT CONCLUDE YOUR TESTIMONY?

A. Yes.

¹ See Exhibit SN-XX.

James Z. Brazell

**LAW OFFICE OF
JAMES Z. BRAZELL**

P.O. Box 2

TAYLOR, TEXAS 76574

jbrazell@brazelllaw.com 512-658-0830 512-233-0685 FAX

INVOICE

Date: October 19, 2021
Re: Inv21-1760; Legal services in Sep 2021
From: Law Office of James Z. Brazell; EIN 51-0631337

City of El Paso Vendor No.

To: City of El Paso, Texas
Office of the City Attorney
Office of the Comptroller
P.O. Box 1890
El Paso, TX 79950-1890

CityAttorney-AccountsPayable@elpasotexas.gov

Attn: Manuel Arambula
Frances M. Engelbaum
Karla M. Nieman
Angela Riggs

Section 1: Legal Services Rendered

PUC Docket No. 52195, Application of El Paso Electric Company to Increase Rates, Rate Case Expenses Testimony

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Charge</u>
9/27/2021	Tel. conf w/ N. Gordon ref commencement of work, issues in case, status of data, and matters needed for moving forward on work on the case.	0.2	\$ 350.00	\$ 70.00
9/29/2021	Reviewed prior rate case expense cases and testimonies to confirm current treatment and practice and to review tetimonies of El Paso witnesses from other and prior proceedings.	0.3	\$ 350.00	\$ 105.00

9/29/2021	Commenced analysis of rate case expenses.. Rec'd e-mail and Dropbox invite from N. Gordon. Opened Dropbox, found Folder EPE DN 52195 and all 7 included folders with EPE rate application. Drafted and sent e-mail acknowledging receipt to N. Gordon. El Paso. Reviewed EPE rate filing package sent by N. Gordon. Reviewed SPS rate case expense filing as a comparable recent proceeding. Drafted and sent e-mails to N. Gordon ref inquiring scope of Cities' RCE testimony, whether addressing only Cities or EPE as well.	1.9	\$	350.00	\$	665.00
Total		2.40			\$	840.00

Section 2: Out of Pocket Expenses & Reimbursable Charges

Date	Vendor / Services	Hours	Rate	Charge
9/1/2021	No Expenses	NA	NA	NA
Total Expenses & Reimbursable Charges				NA

Section 3: Summary of Charges

		Outstanding Charges/Credits	
Date	Invoice/Payment		
NA	NA	\$	-
NA	NA	\$	-
Outstanding Charges/Credits		\$	-

		Current Charges	
10/19/2021	Inv21-1760; Legal services in Sep 2021	\$	840.00
	Expenses/Reimbursable charges (see above)		NA
Current charges		\$	840.00
Outstanding charges/(credits) (from above)		\$	-
Total due		\$	840.00

Please remit within 15 days of receipt to:

Law Office of James Z. Brazell
P.O. Box 2
Taylor, Texas 76574

Note(s):

Retainer Summary/Balance

	\$0.00	\$	-
Current retainer balance		<u>\$</u>	<u>-</u>

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

**APPLICATION OF EL PASO
ELECTRIC COMPANY TO CHANGE
RATES**

**§
§
§**

**PUBLIC UTILITY COMMISSION

OF TEXAS**

**DIRECT RATE CASE EXPENSE TESTIMONY AND EXHIBITS

OF JAMES Z. BRAZELL**

EXHIBIT JZB-RCE-4

**Summary of and Invoices and Source Documents for City of El Paso Rate Case Expenses for
Participation in Docket Nos. 52040, 51348, 50058, 49395, and 49148**

Exhibit 4A
Summary of City of El Paso Rate Case Expenses for Participation in PUC Docket No. 52040
Application of El Paso Electric Company for an AMS

Attorney/Consultant	Invoice Date	Invoice No.	Billing Period	Fees	Expenses	Invoice Amount
Norman J. Gordon	8/27/2021	170	Apr-Jul 2021	\$5,635.00	\$0.00	\$5,635.00
			Total			\$5,635.00
			Case Total			\$5,635.00

Exhibit 4B
Summary of City of El Paso Rate Case Expenses for Participation in PUC Docket No. 51348
Application of El Paso Electric Company for a DCRF

Attorney/Consultant	Invoice Date	Invoice No.	Billing Period	Fees	Expenses	Invoice Amount
Norman J. Gordon	12/10/2020	159	Sep – Nov 2020	\$5,985.00	\$0.00	\$5,985.00
			Total			\$5,985.00
Garrett Group (Mark Garrett)	12/11/2020	NA	Oct– Dec 2020	\$9,000.00		\$9,000.00
			Total			\$9,000.00
			Case Total			\$14,985.00

Exhibit 4C
Summary of City of El Paso Rate Case Expenses for Participation in PUC Docket No. 50058
Application of El Paso Electric Company for a Fuel Reconciliation

Attorney/Consultant	Invoice Date	Invoice No.	Billing Period	Fees	Expenses	Invoice Amount
Norman J. Gordon	8/26/2020	152	Oct 2019-Jul 2020	\$8,400.00	\$69.21	\$8,469.21
			Total			\$8,469.21
El Paso City Attorney	8/25/2020	19-1008-133	Apr-Jul 2020	\$964.60	\$0.00	\$964.60
			Total			\$964.60
Norwood Energy Consulting (Scott Norwood)	7/20/2020	50058-1219	Dec 2019	\$2,970.00	\$0.00	\$2,970.00
	7/20/2020	0120	Jan 2020	\$3,960.00	\$0.00	\$3,960.00
	7/20/2020	0220	Feb 2020	\$3,630.00	\$0.00	\$3,630.00
	7/20/2020	0320	Mar 2020	\$2,310.00	\$0.00	\$2,310.00
	7/20/2020	0620	Jun 2020	\$2,970.00	\$0.00	\$2,970.00
	8/25/2020	0720	Jul 2020	\$6,600.00	\$0.00	\$6,600.00
			Total			\$22,440.00
			Case Total			\$31,873.81

Exhibit 4D
Summary of City of El Paso Rate Case Expenses for Participation in PUC Docket No. 49395
Application of El Paso Electric Company for a DCRF

Attorney/Consultant	Invoice Date	Invoice No.	Billing Period	Fees	Expenses	Invoice Amount
Norman J. Gordon	5/16/2019	NA	Apr–May 2019	\$3,045.00	\$85.40	\$3,130.40
			Total			\$3,130.40
ReSolved Energy Consulting (Karl Nalepa)	5/06/2019	4384	Apr 2019	\$1,188.00	\$0.00	\$1,188.00
			Total			\$1,188.00
			Case Total			\$4,318.40

Exhibit 4E
Summary of City of El Paso Rate Case Expenses for Participation in PUC Docket No. 49148
Application of El Paso Electric Company for a TCRF

Attorney/Consultant	Invoice Date	Invoice No.	Billing Period	Fees	Expenses	Invoice Amount
Norman J. Gordon	7/14/2019	106	Jan-Jun 2019	\$17,192.00	\$72.99	\$17,264.99
			Total			\$17,264.99
ReSolved Energy Consulting (Karl Nalepa)						
	3/7/2019	4358	Jan-Feb 2019	\$1,212.00	\$0.00	\$1,212.00
	4/2/2019	4363	Mar 2019	\$3,636.00	\$0.00	\$3,636.00
	5/2/2019	4380	Apr 2019	\$4,590.00	\$0.00	\$4,590.00
	6/6/2019	4404	May 2019	\$2,592.00	\$0.00	\$2,592.00
	7/3/2019	4422	Jun 2019	\$1,026.00	\$0.00	\$1,026.00
	8/6/2019	4444	Jul 2019	\$432.00	\$0.00	\$432.00
	9/5/2019	4465	Aug 2019	\$432.00	\$0.00	\$432.00
	1/8/2020	4538	Sep, Nov, Dec 2019	\$270.00	\$0.00	\$270.00
			Total			\$14,190.00
FedEx Courier Fees					\$147.77	\$147.77
			Case Total			\$31,602.76
			Five Case Total			\$88,414.97

Docket No. 52040



Filing Receipt

Received - 2021-08-27 01:02:43 PM
Control Number - 52040
ItemNumber - 66

**SOAH DOCKET NO. 473-21-2607
PUCT DOCKET NO. 52040**

APPLICATION OF EL PASO	§	
ELECTRIC COMPANY FOR APPROVAL	§	BEFORE THE STATE OFFICE
OF ADVANCED METERING SYSTEM (AMS)	§	
DEPLOYMENT PLAN, AMS SURCHARGE	§	OF
AND NON-STANDARD METERING	§	
SERVICE FEES	§	ADMINISTRATIVE HEARINGS

NOTICE OF FILING OF RATE CASE EXPENSES

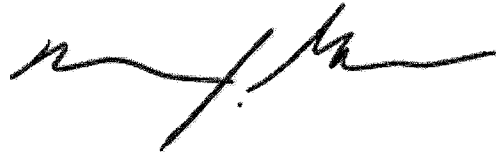
The City of El Paso files the attached declaration concerning rate case expenses incurred in this proceeding. The City will need to update the amounts as the case proceeds to its conclusion, and expects to provide an update at the time of the hearing.

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
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City of El Paso
300 N. Campbell, 2nd Floor
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(915) 212-0033
(915) 212-0034 (fax)
Arambulam1@elpasotexas.gov
Niemankm@elpasotexas.gov
Engelbaumfm@elpasotexas.gov

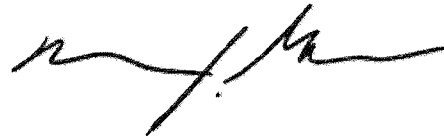
Attorneys for the City of El Paso



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

**SOAH DOCKET NO. 473-21-2607
PUCT DOCKET NO. 52040**

APPLICATION OF EL PASO	§	
ELECTRIC COMPANY FOR APPROVAL	§	BEFORE THE STATE OFFICE
OF ADVANCED METERING SYSTEM (AMS)	§	
DEPLOYMENT PLAN, AMS SURCHARGE	§	OF
AND NON-STANDARD METERING	§	
SERVICE FEES	§	ADMINISTRATIVE HEARINGS

DECLARATION OF NORMAN J. GORDON

THE STATE OF OHIO)
)
COUNTY OF CUYAHOGA)

BEFORE ME, the undersigned authority, on this day personally appeared NORMAN J. GORDON, known to me to be the person whose name is subscribed hereto, and being by me duly sworn, upon his oath, stated as follows:

1. My name is Norman J. Gordon. My business address is PO Box 8, El Paso, Texas, 79940. I am over eighteen years of age and I am not disqualified from making this Declaration. I declare under penalty of perjury that the information in this declaration provided under Chapter 132 Texas Civil Practice and Remedies Code is true and correct.

2. I am an attorney licensed in the States of Texas and Illinois, and numerous federal courts. I received my undergraduate degree and law degree from University of Illinois at Urbana-Champaign. I have been in private practice of law in El Paso since completing my military obligation with the Judge Advocate General's Corps of the United States Army in 1974. I am board certified in Civil Trial Law by the Texas Board of Legal Specialization and have been so certified since 1983. One of the areas of my practice is in the area of utility regulation. Since 1978, I have been lead counsel for parties in many major rate cases, rule making proceedings, and other administrative dockets before City Councils, the Railroad Commission of Texas, the Public Utility Commission of Texas, State District Courts, United States Bankruptcy Court, and Texas Appellate Courts, including the Supreme Court of Texas. I have filed testimony on rate case expense issues in cases before Railroad Commission of Texas. I have filed testimony and testified as an expert witness on rate case expenses in cases before the Public Utility Commission of Texas. I have also taught principles of regulation to members of the Public Utility Regulation Board of the City of El Paso, an advisory board on utility matters.

3. I became a sole practitioner in February 2019. Prior to February 2019, I was a shareholder in the El Paso firm of Mounce, Green Myers, Safi, Paxson & Galatzan, A Professional Corporation, from October 2003 until February 2019. Prior to that time my private

practice was with the El Paso law firm of Diamond Rash Gordon & Jackson, P.C., for 29 years where I was a shareholder.

4. The City of El Paso ("City") engaged me to act as outside counsel for it in this case, related to, this case El Paso Electric Company's Advanced Metering and Deployment Plan AMS surcharge and non-standard metering service fees, PUC Docket 52040 SOAH No. 473-21-2607

5. In connection with the case, through July 30, 2021, I billed a total of \$5,635.00 in fees. There were no expenses. The description of services is provided in the attached invoices, by day, attorney and services performed. The invoice and support are attached to this Affidavit as Attachment "A" and incorporated herein. There were no charges for first class travel or hotel expense. There is no markup on the expenses.

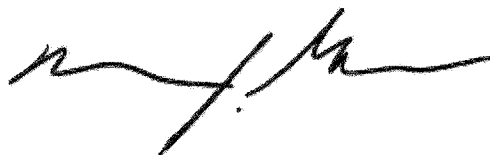
7. There will be additional fees and potentially expenses through the completion of the case. I will update this Declaration prior to the close of the evidence.

8. I am familiar with the hourly rates charged by others in Texas with similar or less experience for similar work, through the cases in which I have acted as counsel and through the cases in which I have filed testimony. The hourly rates charged by me of \$350.00 which in my experience is reasonable.

9. All of the work done by me was necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, the originality of the issues presented including the nature of the issues raised and addressed by the City in this proceeding, and the amount of time spent by and charges by others for work of a similar nature in this and other proceedings.

Further Declarant Says Not.

Dated August 27, 2021

A handwritten signature in black ink, appearing to read 'N. J. Gordon', with a stylized flourish at the end.

Norman J. Gordon

ATTACHMENT A TO DECLARATION OF
NORMAN J. GORDON

Norman J. Gordon
 Attorney at Law
 PO Box 8
 El Paso, Texas, 79940

City of El Paso
 300 N. Campbell
 Attn: Office of the City Attorney
 PO Box 1890
 El Paso TX 79950-1890
 El Paso TX 79901

Attn: Karla M. Nieman

EPE AMS Filing PUC Docket 52040

Page: 1
 08/27/2021
 Account No: 1-27M
 Statement No: 170

Fees

			Hours	
04/20/2021	NJG	Initial Review of Filing, schedules	3.40	1,190.00
04/21/2021	NJG	Additional Initial Review of filing/Gather information regarding impacts and total amounts for CAO.	2.90	1,015.00
04/26/2021	NJG	Receipt and Review of Order No. 1	0.30	105.00
04/29/2021	NJG	Prepare Intervention Draft. E-mail to Client	0.20	70.00
05/04/2021	NJG	File and serve intervention	0.10	35.00
05/14/2021	NJG	Receipt and Review of Confidential HS material in support of application.	3.00	1,050.00
	NJG	Review Order No. 2	0.10	35.00
06/10/2021	NJG	Receipt and Review Order of Referral	0.20	70.00
06/16/2021	NJG	SOAH Order No. 1 Scheduling of PHC and procedural schedule.	0.20	70.00
06/18/2021	NJG	Review and notes Draft Procedural Order	0.30	105.00
06/21/2021	NJG	E-mails re: draft procedural schedule	0.20	70.00
06/22/2021	NJG	E-mails re comments of parties on procedural schedule	0.20	70.00
06/23/2021	NJG	E-mails about agreed procedural schedule and effective dates.	0.20	70.00
06/24/2021	NJG	Monitor PUC Open Meeting re: Preliminary Order and discussion.	0.40	140.00
	NJG	Review Commissioner memorandum and as adopted preliminary order	0.20	70.00
06/28/2021	NJG	Notes on SOAH Order No. 2 and procedural schedule (conflicts noted)	0.20	70.00

EPE AMS Filing PUC Docket 52040

			Hours	
07/02/2021	NJG	E-mails re: changes to procedural schedule to eliminate conflicts	0.10	35.00
07/06/2021	NJG	SOAH Order No. 3	0.10	35.00
07/13/2021	NJG	OPUC First RFI's to EPE	0.20	70.00
07/14/2021	NJG	Review Schichtl supplemental direct testimony	0.20	70.00
07/15/2021	NJG	Review UTEP 2nd RFI's	0.10	35.00
07/26/2021	NJG	Review responses to UTEP 2nd RFI's and UTEP 1st RFI's	0.30	105.00
	NJG	Review EPE response to OPUC 1st RFI's	0.50	175.00
07/28/2021	NJG	Review orders in other PUCT AMS cases, and updates, review approaches to issues in other jurisdictions Identify issues	2.50	875.00
		For Current Services Rendered	16.10	5,635.00

Timekeeper	Title	Recap	Hours	Rate	Total
Norman J Gordon			16.10	\$350.00	\$5,635.00
Total Current Work					5,635.00
Balance Due					<u>\$5,635.00</u>

Billing History				
Fees	Expenses	Advances	Finance Charge	Payments
5,635.00	0.00	0.00	0.00	0.00

Please make checks payable to "Norman J. Gordon"

Docket No. 51348



Control Number: 51348



Item Number: 25

Addendum StartPage: 0

RECEIVED

SOAH DOCKET NO. 473-21-0479
PUCT DOCKET NO. 51348

2020 DEC 11 PM 2:35

PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF EL PASO
ELECTRIC COMPANY TO
AMEND ITS DISTRIBUTION
COST RECOVERY FACTOR

§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

DIRECT TESTIMONY AND EXHIBITS

OF

MARK E. GARRETT

ON BEHALF OF

CITY OF EL PASO

December 11, 2020

DIRECT TESTIMONY AND EXHIBITS OF MARK E. GARRETT

TABLE OF CONTENTS

I.	Witness Identification	3
II.	Purpose and Scope of Testimony	5
III.	Summary of Recommendations	6
IV.	Projects that Should be Excluded from DCRF Recovery	6
V.	Rate Case Expenses	10
Exhibit MG-1 (Qualifications)		Attached
Exhibit MG-2 (Revenue Requirement Calculations)		Attached
Exhibit MG-3 (Garrett Group Consulting, Inc. Hours and Tasks)		Attached
Exhibit MG-4 (Norman J. Gordan Declaration)		Attached

I. WITNESS IDENTIFICATION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Mark E. Garrett. My business address is 4028 Oakdale Farm Circle,
Edmond, Oklahoma 73013.

Q. WHAT IS YOUR PRESENT OCCUPATION?

A. I am the President of Garrett Group Consulting, Inc., a firm specializing in public utility
regulation, litigation and consulting services.

**Q. WOULD YOU PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND
AND YOUR PROFESSIONAL EXPERIENCE RELATED TO UTILITY
REGULATION?**

A. I received my bachelor's degree from The University of Oklahoma and completed post
graduate hours at Stephen F. Austin State University and the University of Texas at
Arlington and Pan American. I received my juris doctorate degree from Oklahoma City
University Law School and was admitted to the Oklahoma Bar in 1997. I am a Certified
Public Accountant licensed in the States of Texas and Oklahoma with a background in
public accounting, private industry, and utility regulation. In public accounting, as a
staff auditor for a firm in Dallas, I primarily audited financial institutions in the State of
Texas. In private industry, as controller for a mid-sized corporation in Dallas, I managed
the company's accounting function, including general ledger, accounts payable, financial
reporting, audits, tax returns, budgets, projections, and supervision of accounting

1 personnel. In utility regulation, I served as an auditor in the Public Utility Division of
2 the Oklahoma Corporation Commission ("Commission") from 1991 to 1995. In that
3 position, I managed the audits of major gas and electric utility companies in Oklahoma.
4 Since leaving the Commission, I have testified in numerous rate cases and other
5 regulatory proceedings on behalf of various customer interveners.

6 Since leaving the Commission, I have worked on numerous rate cases and other
7 regulatory proceedings on behalf of various consumers, consumer groups, public utility
8 commission staffs and attorney general's offices. I have provided testimony before the
9 public utility commissions in the states of Alaska, Arizona, Arkansas, Colorado, Florida,
10 Indiana, Massachusetts, Nevada, Oklahoma, Texas, Utah and Washington. My
11 qualifications were accepted in each of those states. My clients primarily include
12 industrial customers, hospitals and hospital groups, universities, municipalities, and large
13 commercial customers. I have also testified on behalf of the commission staff in Utah
14 and the offices of attorneys general in Florida, Indiana, Nevada, Oklahoma, and
15 Washington. I have also served as a presenter at the NARUC subcommittee on
16 Accounting and Finance on the issue of incentive compensation, and as a regular
17 instructor at the New Mexico State University's Center for Public Utilities course on
18 basic utility regulation.

19
20 **Q. HAVE YOUR QUALIFICATIONS PREVIOUSLY BEEN ACCEPTED BY THIS**
21 **COMMISSION?**

22 **A.** Yes, they have. A description of my qualifications and a list of the proceedings in which

1 I have been involved are attached to this testimony as Exhibit MG-1.

2
3 **Q. ON WHOSE BEHALF ARE YOU APPEARING IN THESE PROCEEDINGS?**

4 A. I am appearing on behalf of the City of El Paso ("City").

II. PURPOSE AND SCOPE OF TESTIMONY

5 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

6 A. The purpose of my testimony is to address the application of El Paso Electric Company
7 ("EPE" or the "Company") to amend its Distribution Cost Recovery Factor "DCRF").
8 The DCRF seeks recovery of costs associated with the Company's claimed incremental
9 distribution-related investments placed in service from October 1, 2016 (the day after the
10 end of the test year in its last base rate case, Docket No. 46831)¹ through June 30, 2020.

11 Distribution invested capital from October 1, 2016 through December 31, 2018
12 was presented in EPE's last DCRF proceeding in Docket No. 49395.² As a result, the
13 incremental distribution invested capital that EPE seeks to include in its DCRF
14 application is for the period January 1, 2019 through June 30, 2020. The Company's
15 proposed rider, adjusted for load growth, seeks to collect \$20,591,323 annually, or
16 \$12,828,934 in incremental annual DCRF revenue beyond EPE's currently effective
17 DCRF, from EPE's Texas retail customers.

¹ Docket No. 46831, *Application of El Paso Electric Company to Change Rates*, Final Order (Dec. 18, 2017).

² *Application of El Paso Electric Company for a Distribution Cost Recovery Factor*, Docket No. 49395, Order (Sept. 27, 2019).

III. SUMMARY OF RECOMMENDATIONS

Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS.

A. I recommend that the Commission exclude from DCRF recovery a number of projects from that are not currently benefitting ratepayers as well as projects related to transmission. The projects that I recommend should be excluded are as follows:

- a. Horizon Land Purchase,
- b. Sunset Structural Improvements,
- c. High-Level System Closing,
- d. Fort Bliss T1 XFMR Emergency Replacement,
- e. Phelps Dodge Relay Additions,
- f. Ascarate Relay Additions,

The impact of my recommendations is \$806,962, as set forth at Exhibit MG-2.

IV. PROJECTS THAT SHOULD BE EXCLUDED FROM DCRF RECOVERY

Q. PLEASE DISCUSS YOUR RECOMMENDATIONS THAT CERTAIN PROJECTS SHOULD BE EXCLUDED FROM THE DCRF RECOVERY.

A. I reviewed the Company's DCRF application to identify projects which should not be included for DCRF recovery at this time. I have also reviewed the discovery produced in this case, the DCRF Rule³, and the 2019 DCRF filing. I have recommended exclusion of expenditures for projects that: (1) by the descriptions provided are not currently used and useful for ratepayers; (2) are related to transmission rather than distribution projects; or (3) are identified as projects for which the Company has sought reimbursement from

³ 16. T.A.C. §25.243

1 third parties. The specific projects identified for exclusion are set forth in the discussion
2 below.

3
4 **Q. PLEASE DESCRIBE THE HORIZON LAND PURCHASE AND EXPLAIN WHY**
5 **YOU RECOMMEND THIS PROJECT SHOULD BE EXCLUDED.**

6 A. I recommend exclusion of EPE's Horizon Land Purchase, Project No. DR0801300007
7 from recovery in the Company's current DCRF filing. This land was purchased for the
8 future expansion of a substation rather than for current needs. Future use property is not
9 currently in service and, therefore, is not used and useful and should not be included in
10 the DCRF at this time. The long-standing and widely accepted treatment of property
11 held for future use is to exclude such property for ratemaking purposes. This project
12 totals \$212,974 and is set forth in Exhibit MG-2.1.

13
14 **Q. PLEASE DESCRIBE THE SUNSET STRUCTURAL IMPROVEMENTS**
15 **PROJECT.**

16 A. I recommend the exclusion of the Sunset Structural Improvement costs because the
17 amounts invested on this project are related to future expansion of that substation.
18 Property held for future use should not be included in the DCRF at this time. This
19 project totals \$1,058,110 and is set forth in Exhibit MG-2.1

20
21 **Q. WHAT IS THE HIGH-LEVEL SYSTEM CLOSING PROJECT THAT YOU**
22 **RECOMMEND BE EXCLUDED FROM THE DCRF RECOVERY?**

1 A. The High-Level System Closing projects for 2020. These projects have not been closed
2 to plant in service as of June 30, 2020, so they cannot be included in the DCRF at this
3 time for recovery. These projects total \$1,236,492 and are set forth in Exhibit MG-2.1.
4

5 **Q. WHY DO YOU RECOMMEND THE FORT BLISS T1 XFMR PROJECT BE**
6 **EXCLUDED?**

7 A. Fort Bliss is a transmission-level customer. As such, this project does not qualify for
8 DCRF rider recovery. The expenditures associated with this project should not be
9 recovered from distribution level customers. This project totaled \$1,459,707 and is set
10 forth at Exhibit MG-2.1.
11

12 **Q. PLEASE DESCRIBE THE PHELPS DODGE RELAY PROJECT AND THE**
13 **REASON FOR ITS EXCLUSION.**

14 A. This purpose of this project appears to be for the benefit of a transmission line rather
15 than a distribution line and should be excluded from the DCRF. This project cost
16 \$144,074 and is set forth at Exhibit MG-2.1.
17

18 **Q. PLEASE DESCRIBE THE ASCARATE RELAY PROJECT.**

19 A. This project is similar to the Phelps Dodge Relay project. The purpose of this project
20 appears to benefit a transmission line rather than a distribution project. As such, I
21 recommend its exclusion from the DCRF rider. This project total \$147,559 and is set
22 forth at Exhibit MG-2.1.

1
2 **Q. HAS THE COMPANY IDENTIFIED PROJECTS INCLUDED IN THE DCRF**
3 **APPLICATION FOR WHICH IT IS SEEKING REIMBURSEMENT FROM**
4 **THIRD PARTIES?**

5 **A.** Yes. As set forth in its response to CEP 1-4, EPE has requested and expects to receive
6 reimbursements for the new distribution additions that total \$880,080 for 2019 and
7 \$1,701,137 for 2020.⁴ I am recommending that the DCRF factor should be reduced for
8 the impact of these reimbursements.

9
10 **Q. WHAT IS THE REVENUE REQUIREMENT IMPACT OF THESE**
11 **ADJUSTMENTS?**

12 **A.** The revenue requirement impact of these adjustments is a reduction of \$806,962 as set
13 forth at Exhibit MG-2.

14
15 **Q. HOW WAS THE REVENUE REQUIREMENT IMPACT CALCULATED?**

16 **A.** I used the approved rate of return to calculate the return on the net plant excluded and I
17 used a proportional interest expense for the income tax expense calculation. I calculated
18 the depreciation expense for the excluded projects using the same method as the
19 Company, and I used 5% for the assumed tax depreciation rate to calculate the
20 accumulated deferred income tax adjustment. The ad valorem taxes were calculated
21 using the effective rate identified by EPE. These calculations can be found at Exhibit
22 MG-2 and MG-2.1.

V. **RATE CASE EXPENSES**

1 **Q. WHAT IS THE AMOUNT OF RATE CASE EXPENSE ASSOCIATED WITH**
2 **GARRETT GROUP CONSULTING INC.?**

3 A. Our professional fees through December 10, 2020 were \$9,000. These fees were for
4 time spent reviewing application testimony, schedules and workpapers, developing
5 discovery, reviewing previous DCRF dockets, developing issues, conferring with
6 counsel, and drafting our testimony and exhibits. A schedule of our hours billed is
7 included as Exhibit MG-3 to my testimony.
8

9 **Q. HAS THE LAW OFFICE OF NORMAN J. GORDON ALSO INCURRED RATE**
10 **CASE EXPENSES ON BEHALF OF THE CITY IN THIS PROCEEDING?**

11 A. Yes. Included as Exhibit MG-4 is a declaration from Mr. Norman J. Gordon that
12 addresses the \$5,985.00 in rate case expenses incurred by his office through November
13 30, 2020 and his estimate to complete the case.
14

15 **Q. PLEASE IDENTIFY THE STAFF WHO CHARGED PROFESSIONAL HOURS**
16 **TO THIS PROJECT, THEIR HOURLY RATES AND TOTAL HOURS BILLED.**

17 A. Our invoice shows that I billed 24 hours to this project through December 11, 2020. My
18 billing rate is \$250 per hour. Ed Farrar billed 20 hours to this project and his billing rate
19 is \$150 per hour. I anticipate our firm will incur additional hours as the case progresses.
20

⁴ See EPE's Response to CEP 1-4 and CEP 1-4 Attachment 1.

1 **Q. WHAT CRITERIA MUST BE MET UNDER THE COMMISSION’S RATE CASE**
2 **EXPENSE RULE (16 TAC § 25.245)?**

3 A. The rate case expense rule sets forth the following criteria:

- 4 1. Whether the fees paid to, tasks performed by, or time spent on a task by an
5 attorney or other professional were extreme or excessive,
- 6 2. Whether the expenses incurred for lodging, meals and beverages, transportation,
7 or other services or materials were extreme or excessive,
- 8 3. Whether there was duplication of services or testimony,
- 9 4. Whether the utility’s or municipality’s proposal on an issue in the rate case had
10 no reasonable basis in law, policy, or fact and was not warranted by any
11 reasonable argument for the extension, modification, or reversal of commission
12 precedent,
- 13 5. Whether rate-case expenses as a whole were disproportionate, excessive, or
14 unwarranted in relation to the nature and scope of the rate case addressed by the
15 evidence pursuant to subsection (b)(5) of this section, or
- 16 6. Whether the utility or municipality failed to comply with the requirements for
17 providing sufficient information pursuant to subsection (b) of this section.

18
19 **Q. ARE YOUR BILLING RATES AND TIME SPENT ON TASKS IN THIS CASE**
20 **REASONABLE?**

21 A. Yes. Our billing rate are reasonable. These are our normal billing rate for services
22 provided to similar clients. Our rates are in the range of rates charged by other

1 consultants with similar experience, and are reasonable for consultants providing these
2 regulatory services in Texas. Our hourly billing rates are especially reasonable given our
3 qualifications and experience. I am an attorney and CPA with 28 years of regulatory
4 experience and Ed Farrar is a CPA with 35 years of regulatory experience.

5
6 **Q. DO YOUR EXPENSES INCLUDE ANY OF THE TYPE OF CHARGES THAT**
7 **MAY BE EXCLUDABLE?**

8 A. No. Our charges are entirely for professional fees. There are no other expenses included
9 on our invoice.

10
11 **Q. WAS THERE ANY DUPLICATION OF SERVICES OR TESTIMONY?**

12 A. No. No other city group is participating in this proceeding, so there has been no
13 duplication of services and no duplication of testimony.

14
15 **Q. DO THE ISSUES RAISED IN YOUR TESTIMONY HAVE A REASONABLE**
16 **BASIS IN LAW, POLICY, OR FACT?**

17 A. Yes. The issues raised in testimony focus directly on whether the requested DCRF rate
18 is reasonable.

19
20 **Q. WHAT IS YOUR CONCLUSION REGARDING YOUR FIRM'S ACTUAL**
21 **CHARGES?**

22 A. In my opinion, our fees of \$9,000.00 incurred through December 11, 2020, the date this

1 testimony is filed, are reasonable and necessary and are not disproportionate, excessive,
2 or unwarranted in relation to the nature and scope of the DCRF filing. Furthermore, to
3 the best of my knowledge, I have fully complied with the information requirements set
4 out in criterion six above.

5
6 **Q: DOES THIS CONCLUDE YOUR TESTIMONY AT THIS TIME?**

7 A: Yes, it does.

SOAH DOCKET NO. 473-21-0479
PUCT DOCKET NO. 51348

EXHIBIT MG-1 Qualifications

MARK E. GARRETT

CONTACT INFORMATION:

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Edmond, OK 73013
(405) 239-2226

EDUCATION:

Juris Doctor Degree, With Honors, Oklahoma City University Law School, 1997
Post Graduate Hours in Accounting, Finance and Economics, 1984-85:
University of Texas at Arlington; University of Texas at Pan American;
Stephen F. Austin State University
Bachelor of Arts Degree, University of Oklahoma, 1978

CREDENTIALS:

Member Oklahoma Bar Association, 1997, License No. 017629
Certified Public Accountant in Oklahoma, 1992, Certificate No. 11707-R
Certified Public Accountant in Texas, 1986, Certificate No. 48514

WORK HISTORY:

GARRETT GROUP CONSULTING, INC. – Regulatory Consulting Practice (1996 - Present)

Participates as a consultant and expert witness in electric utility, natural gas distribution company, and natural gas pipeline matters before regulatory agencies in rate case proceedings to determine just and reasonable rates. Reviews management decisions of regulated utilities regarding the reasonableness of prices paid for electric plant, gas plant, purchased power, renewable energy projects, natural gas supplies and transportation, and coal supplies and transportation. Participates in regulatory proceedings to restructure the electric and natural gas utility industries. Participates as an Instructor at NMSU Center for Public Utilities and as a Speaker at NARUC Staff Subcommittee on Accounting and Finance.

OKLAHOMA CORPORATION COMMISSION - Coordinator of Accounting and Financial

Analysis (1991 - 1994) Planned and supervised the audits of major public utility companies doing business Oklahoma for the purpose of determining revenue requirements. Presented both oral and written testimony as an expert witness for Staff in defense of numerous accounting and financial recommendations related to cost-of-service based rates. Audit work and testimony covered all areas of rate base and operating expense. Supervised, trained and reviewed the audit work of numerous Staff CPAs and auditors. Promoted from Supervisor of Audits to Coordinator in 1992.

FREEDOM FINANCIAL CORPORATION - Controller (1987 - 1990) Responsible for all financial reporting including monthly and annual financial statements, cash flow statements, budget reports, long-term financial planning, tax planning and personnel development. Managed the General Ledger and Accounts Payable departments and supervised a staff of seven CPAs and accountants. Reviewed all subsidiary state and federal tax returns and facilitated the annual independent financial audit and all state or federal tax audits. Received promotion from Assistant Controller in September 1988.

SHELBY, RUCKSDASHEL & JONES, CPAs - Auditor (1986 - 1987) Audited the financial statements of businesses in the state of Texas, with an emphasis in financial institutions.

Previous Experience Related to Cost-of-Service, Rate Design, Pricing and Energy-Related Issues

1. **Dominion Energy South Carolina, 2020 (South Carolina), (Docket No. 2020-125-E)** – Participating as an expert witness on behalf of DOD/FEA in DESC’s rate case application, sponsoring testimony to address various revenue requirement, rate design and tax issues.
2. **Cascade Natural Gas, 2020 (Washington), (NG-UG-200568)** – Participating as an expert witness on behalf of Public Counsel in Cascade’s rate case application, sponsoring testimony to address various revenue requirement and tax issues.
3. **Nevada Power Company, 2020 (Nevada) (Docket No. 20-06003)** – Participating as an expert witness on behalf of Bureau of Consumer Protection (“BCP”) before the Nevada Public Utility Commission to address various revenue requirement issues in the case.
4. **El Paso Electric Company, 2020 (New Mexico), (Docket RC-20-00104-UT)** – Participating as an expert witness on behalf of the City of Las Cruces and Dona Ana county in EPE’s rate case application, sponsoring testimony to address various revenue requirement and tax issues.
5. **Oklahoma Gas and Electric Company, 2020 (Oklahoma), (Cause No. PUD 202000021)** – Participating as an expert witness on behalf of Oklahoma Industrial Energy Consumers (“OIEC”) before the Oklahoma Corporation Commission in OG&E’s Grid Enhancement Plan application. Sponsoring testimony to address the utility’s proposed cost recovery mechanism and cost of service allocations.
6. **Philadelphia Gas Works, 2020 (Pennsylvania), (Docket No. R-2020-3017206)** – Participating expert witness on behalf of Office of Consumer Advocate (“OCA”) before the Pennsylvania Public Utility Commission to address various revenue requirement issues in PGW’s rate case.
7. **Atmos MidTex (Texas), 2020 (Texas), (Dallas Annual Rate Review)** – Participating as an expert witness on behalf of the City of Dallas before the Texas Railroad Commission in Atmos’s Dallas Annual Rate Review (“DARR”) proceeding. Sponsoring recommendations on various revenue requirement issues.
8. **Southwest Gas Corporation, 2020 (Nevada) (Docket No. 20-02023)** – Participated as an expert witness on behalf of Bureau of Consumer Protection (“BCP”) before the Nevada Public Utility Commission to address various revenue requirement issues.
9. **El Paso Electric Company, 2019 (Texas), (Docket No. 49849)** – Participating as an expert witness on behalf of the City of El Paso in the merger of El Paso Electric Company with Sun Jupiter Holdings LLC and IIF US Holdings 2 LLP to provide recommendations to the Texas Public Utility Commission regarding the treatment of tax issues in the proposed merger agreement.
10. **Nevada Senate Bill 300 Rulemaking, 2019 (Nevada), (Docket No. 19-069008)** – Participating as an expert witness on behalf of the Southern Nevada Gaming Group before the Nevada PUC to assist with the development of alternative ratemaking regulations under SB 300.
11. **Entergy Arkansas, 2019 (Arkansas), (Docket No. 19-020-TF)** – Participating as an expert witness on behalf of the Arkansas industrial consumer group to review EAI’s application to allocate its perceived under-recovery of off-system sales margins to Arkansas customers.
12. **Public Service Company of Oklahoma, 2019 (Oklahoma) (Cause No. PUD 201900201)** –

Participating as an expert witness on behalf of OIEC before the OCC in AEP/PSO's application for approval for the cost recovery of selected wind facilities.

13. **Oklahoma Gas & Electric Co., 2019 (Arkansas) (Docket No. 18-046-FR)** – Participating as an expert witness on behalf of the Arkansas River Valley Energy Consumers (“ARVEC”)¹ before the Arkansas Public Service Commission in OG&E's Formula Rate Plan application to provide testimony on various revenue requirement, cost of service and rate design issues.
14. **Southwestern Public Service Co., (“SPS”) 2019 (Texas), (Docket No. 49831)** – Participating as an expert witness on behalf of the Alliance of Xcel Municipalities (“AXM”) in the SPS general rate case application to provide testimony before the Texas Public Utility Commission regarding rate base and operating expense issues and sponsor the AXM Accounting Exhibits.
15. **Southwestern Electric Power Company, 2019 (Arkansas), (Docket No. 19-008-U)** – Participated as an expert witness on behalf of Western Arkansas Large Energy Consumers (“WALEC”) before the Arkansas Public Service Commission in SWEPCO's rate case to address various revenue requirement and rate design issues.
16. **Anchorage Municipal Light and Power and Chugach Electric Association, 2019 (Alaska), (Docket No. U-19-020)** – Participating as an expert witness before the Regulatory Commission of Alaska on behalf of Providence Health and Services to provide testimony on pending acquisition of ML&P by Chugach to address the proposed acquisition premium and other issues associated with the public interest.
17. **Sierra Pacific Power Company, 2019 (Nevada), (Docket No. 19-06002)** – Participated as an expert witness on behalf of Bureau of Consumer Protection (“BCP”) before the Nevada Public Utility Commission to address various revenue requirement issues.
18. **Air Liquide Hydrogen Energy U.S., 2019 (Nevada), (704B Exit Application, Docket No. 19-02002)** – Participated as an expert witness on behalf of Air Liquide before the Nevada PUC. Sponsoring written and oral testimony in Air Liquide's application to purchase energy and capacity from a provider other than NV Energy.
19. **Empire District Electric Company, 2019 (Oklahoma), (Cause No. PUD 201800133)** – Participated as an expert witness on behalf of Oklahoma Industrial Energy Consumers (“OIEC”) before the Oklahoma Corporation Commission in Empire's general rate case to address various revenue requirement, rate design and tax issues.
20. **Indiana Michigan Power, 2019 (Indiana), (Docket No. 45235)** – Participating as an expert witness on behalf of the Office of Utility Consumer Counselor in I&M's rate case application, sponsoring testimony to address various revenue requirement and tax issues.
21. **Puget Sound Energy, 2019 (Washington), (Docket No. 190529-30)** – Participating as an expert witness on behalf of Public Counsel in PSE's rate case application, sponsoring testimony to address various revenue requirement and tax issues.
22. **Anchorage Municipal Light and Power, 2019 (Alaska), (Docket No. U-18-102)** – Participating as an expert witness before the Regulatory Commission of Alaska on behalf of Providence Health and Services to provide testimony on the ratemaking treatment of ML&P's acquired interest in the Beluga

¹ ARVEC is an association of industrial manufacturing facilities in northwest Arkansas.

River Unit gas field with ratepayer funds.

23. **Oklahoma Gas and Electric Company, 2019 (Oklahoma), (Cause No. PUD 201800140)** – Participated as an expert witness on behalf of Oklahoma Industrial Energy Consumers (“OIEC”) before the Oklahoma Corporation Commission in OG&E’s General Rate Case application. Sponsoring testimony to address the utility’s overall revenue requirement and rate design proposals.
24. **Cascade Natural Gas, 2019 (Washington) (Docket No. 190210)** – Participated as an expert witness on behalf of Public Counsel in Cascade’s rate case application. Sponsoring testimony to address various revenue requirement and tax issues.
25. **CenterPoint Energy Houston Electric, 2019 (Texas) (Docket No. 49421)** – Participated as an expert witness on behalf of City of Houston before the Public Utility Commission of Texas in CenterPoint Energy’s rate case application to provide testimony on various revenue requirement issues.
26. **Oklahoma Gas & Electric Co., 2018 (Arkansas) (Docket No. 18-046-FR** – Participated as an expert witness on behalf of the Arkansas River Valley Energy Consumers (“ARVEC”)² before the Arkansas Public Service Commission in OG&E’s Formula Rate Plan application to provide testimony on various revenue requirement, cost of service and rate design issues.
27. **Southwest Gas Corporation, 2018 (Nevada) (Docket No. 18-05031)** – Participated as an expert witness on behalf of Bureau of Consumer Protection (“BCP”) before the Nevada Public Utility Commission to address various revenue requirement issues.
28. **Puget Sound Energy, 2018 (Washington) (Docket No. UE 18089)** - Participated as an expert witness on behalf of Public Counsel in PSE’s Emergency Rate Relief proceeding. Sponsoring testimony to address the application itself and various revenue requirement and TCJA issues.
29. **Public Service Company of Oklahoma, 2018 (Oklahoma) (Cause No. PUD 201800097)** – Participated as an expert witness on behalf of OIEC before the OCC in AEP/PSO’s general rate case application to provide testimony on various revenue requirement, cost of service and rate design issues.
30. **Entergy Texas Inc., 2018 (Texas) (PUC Docket No. 48371)** – Participated as an expert witness on behalf of the Cities in ETI’s general rate case to provide testimony on various cost of service issues and on the utility’s overall revenue requirement.
31. **Atmos Energy Corp., Mid-Tex Division, 2018 (Texas) (Docket No. GUD No. 10779)** – Participated as an expert witness on behalf of the Atmos Texas Municipalities to review the utility’s requested revenue requirement including TCJA adjustments.
32. **CenterPoint Energy Houston Electric, LLC, 2018 (Texas) (Docket No. 48226)** – Participated as an expert witness on behalf of City of Houston before the Public Utility Commission of Texas in CenterPoint Energy’s application for approval to amend its distribution cost recovery factor (DCRF) to address the utility’s treatment of the Tax Cuts and Jobs Act of 2017 (“TCJA”).
33. **NV Energy, 2018 (Nevada) (Docket No. 17-10001)** – Participated as an expert witness on behalf of the Energy Choice Initiative (“ECI”) before the Governor’s Committee on Energy Choice, in an

² ARVEC is an association of industrial manufacturing facilities in northwest Arkansas.

investigatory docket of an Issue of Public Importance Regarding the Pending Energy Choice Initiative and the Possible Restructuring of Nevada's Energy Industry.

34. **Southwestern Electric Power Company, 2018 (Texas) (PUC Docket No. 48233)** – Participated as an expert witness on behalf of Cities Advocating Reasonable Deregulation (“CARD Cities”) before the Texas Public Utility Commission in SWEPCO’s application to implement base rate reductions as result of the Tax Cuts and Jobs Act of 2017 (“TCJA”).
35. **Oncor Electric Delivery Company (Texas), 2018 (PUC Docket No. 48325)** – Participated as an expert witness before the Texas Public Utility Commission in Oncor’s application for authority to decrease rates based on the Tax Cuts and Jobs Act of 2017 (“TCJA”).
36. **Public Service Company of Oklahoma (“PSO”) (Oklahoma), 2018 (Cause No. PUD 201800019)** – Participated as an expert witness on behalf of OIEC before the OCC in AEP/PSO’s application regarding ADIT under the Tax Cuts and Jobs Act of 2017 (“TCJA”).
37. **Oklahoma Natural Gas Company, 2018 (Cause No. PUD 201800028)** – Participated as an expert witness on behalf of the OIEC before the Oklahoma Corporation Commission in ONG’s Performance Based Rate Change Tariff, to address issues involving the impacts of the Tax Cuts and Jobs Act of 2017 (“TCJA”).
38. **Oklahoma Gas & Electric Co. (Arkansas), 2018 (Docket No. 18-006-U)** – Participated as an expert on behalf of the Arkansas River Valley Energy Consumers (“ARVEC”) before the Arkansas Public Service Commission in the matter of an Investigation of the Effect on Revenue Requirements Resulting from Changes to Corporate Income Tax Rates under the Tax Cuts and Jobs Act of 2017 (“TCJA”).
39. **Texas Gas Service, 2018** – Participated as a consulting expert on behalf of the City of El Paso regarding implementation of rate changes related to the Tax Cuts and Jobs Act of 2017 (“TCJA”).
40. **Sierra Pacific Power Company (Nevada), 2018 (Docket No. 18-02011 and 18-02015)** – Participated as an expert witness on behalf of the Northern Nevada Utility Customers³ before the Nevada PUC in SPPC’s application related to the Tax Cuts and Jobs Act of 2017 (“TCJA”).
41. **Nevada Power Company (Nevada), 2018 (Docket No. 18-02010 and 18-02014)** – Participated as an expert witness on behalf of the Southern Nevada Gaming Group before the Nevada PUC in NPC’s application related to the Tax Cuts and Jobs Act of 2017 (“TCJA”).
42. **Public Service Company of Oklahoma (“PSO”) (Oklahoma), 2017 (Cause No. PUD 201700572)** – Participated as an expert witness on behalf of OIEC before the OCC in AEP/PSO’s application to examine the impacts of the Tax Cuts and Jobs Act of 2017 (“TCJA”).
43. **Empire District Electric Company (“EPE”) (Oklahoma), 2018 (Cause No. PUD 201700471)** – Participated as an expert witness on behalf of Oklahoma Industrial Energy Consumers (“OIEC”) before the Oklahoma Corporation Commission in Empire’s application to add 800MW of wind. Sponsoring testimony to address the various ratemaking and tax issues.
44. **Oklahoma Gas and Electric Company (“OG&E”), (Oklahoma), 2018 (Cause No. PUD**

³ The Northern Nevada Utility Consumers is a group of large commercial and industrial customers in the SPPC service territory.

- 201700496)** – Participated as an expert witness on behalf of Oklahoma Industrial Energy Consumers (“OIEC”) before the Oklahoma Corporation Commission in OG&E’s General Rate Case application. Sponsoring testimony to address the utility’s overall revenue requirement and rate design proposals.
- 45. Public Service Company of Oklahoma (“PSO”) (Oklahoma), 2017 (Cause No. PUD 201700276)** – Participated as an expert witness on behalf of OIEC before the OCC in AEP/PSO’s Wind Catcher case to provide testimony on various ratemaking and tax issues.
 - 46. Southwestern Public Service Co. (“SPS”) (Texas), 2017 (PUCT Docket No. 47527)** – Participating as an expert witness on behalf of the Alliance of Xcel Municipalities (“AXM”) in the SPS general rate case application to provide testimony before the Texas Public Utility Commission regarding rate base and operating expense issues and sponsor the AXM Accounting Exhibits.
 - 47. Southwestern Electric Power Company, (“SWEPCO”) (Texas), 2017 (PUC Docket No. 47461)** – Participated as an expert witness on behalf of Cities Advocating Reasonable Deregulation (“CARD Cities”) before the Texas Public Utility Commission in SWEPCO’s Wind Catcher case proceeding to provide testimony on various ratemaking and tax issues.
 - 48. Atmos MidTex (Texas), 2017 (Docket No. 10640)** – Participated as an expert witness on behalf of the City of Dallas before the Texas Railroad Commission in Atmos’s Dallas Annual Rate Review (“DARR”) proceeding. Sponsoring testimony on various revenue requirement issues.
 - 49. Avista Utilities (Washington), 2017 (Docket Nos. UE-170485/UG-170486)** – Participated as an expert witness on behalf of Public Counsel in Avista’s general rate case proceeding. Sponsoring testimony to address various revenue requirement issues and Avista’s requested attrition adjustments.
 - 50. Nevada Power Company (Nevada), 2017 (Docket No. 17-06003)** – Participated as an expert witness on behalf of the Southern Nevada Hotel Group before the Nevada PUC in NPC’s general rate case proceeding. Sponsoring testimony on various revenue requirement, depreciation, and rate design issues.
 - 51. Anchorage Municipal Light and Power (Alaska), 2017 (Docket No. U-17-008)** – Participating as an expert witness before the Regulatory Commission of Alaska on behalf of Providence Health and Services to provide testimony in ML&P’s General Rate Case on various revenue requirement and rate design issues.
 - 52. Public Service Company of Oklahoma (Oklahoma), 2017 (Cause No. PUD 201700151)** – Participated as an expert witness on behalf of OIEC before the OCC in AEP/PSO’s general rate case application to provide testimony on various revenue requirement and rate design issues.
 - 53. Oncor Electric Delivery Company (Texas), 2017 (PUC Docket No. 46957)** – Participated as an expert witness on behalf of the Steering Committee of Cities before the Texas Public Utility Commission in Oncor’s General Rate Case proceeding to provide testimony on various revenue requirement issues.
 - 54. EverSource (Massachusetts), 2017 (DPU Docket No. 17-05)** – Participated as an expert witness before the Massachusetts Department of Public Utilities EverSource’s General Rate Case application on behalf of Energy Freedom Coalition of America to provide testimony to address various revenue requirement issues.
 - 55. El Paso Electric Company (Texas), 2017 (PUC Docket No. 46831)** – Participated as an expert

witness on behalf of the City of El Paso before the Texas Public Utility Commission in El Paso's General Rate Case proceeding to provide testimony on various revenue requirement issues.

56. **Atmos Pipeline Texas (Texas), 2017 (Docket No. 10580)** – Participated as an expert witness on behalf of the City of Dallas before the Texas Railroad Commission in APT's General Rate Case application, sponsoring testimony to address various revenue requirement proposals.
57. **Empire District Electric Company (Oklahoma), 2017 (Cause No. PUD 201600468)** – Participated as an expert witness on behalf of Oklahoma Industrial Energy Consumers ("OIEC") before the Oklahoma Corporation Commission in Empire's General Rate Case application. Sponsoring testimony to address the utility's overall revenue requirement and rate design proposals.
58. **Caesars Enterprise Service, LLC (Nevada), 2016 (704B Exit Application)** – Participated as an expert witness on behalf of Caesars before the Nevada PUC. Sponsoring written and oral testimony in Caesar's application to purchase energy and capacity from a provider other than Nevada Power.
59. **Southwestern Electric Power Company (Texas), 2016 (PUC Docket No. 46449)** – Participated as an expert witness on behalf of Cities Advocating Reasonable Deregulation ("CARD Cities") before the Texas Public Utility Commission in SWEPCO's general rate case proceeding to provide testimony on various revenue requirement issues.
60. **CenterPoint Texas, 2016 (Docket No. 10567)** – Participated as an expert witness on behalf of City of Houston before the Texas Railroad Commission in CenterPoint's general rate case application, sponsoring testimony to address the utility's overall revenue requirement and various rate design proposals.
61. **Entergy Texas, Inc., 2016 (Docket No. 46357)** – Participated as an expert witness on behalf Cities Served by Applicant before the Texas PUC in ETI's application to amend its Transmission Cost Recovery Factor.
62. **Anchorage Municipal Light and Power, 2016 (Docket No. U-16-060)** – Participated as an expert witness before the Regulatory Commission of Alaska on behalf of Providence Health and Services to provide testimony on the ratemaking treatment of ML&P's acquired interest in the Beluga River Unit gas field with ratepayer funds.
63. **Arizona Public Service Company, 2016 (Docket No. E-01345A-16-0036)** – Participated as an expert witness before the Arizona Corporation Commission in APS's General Rate Case application on behalf of Energy Freedom Coalition of America to provide written and oral testimony to address various revenue requirement issues.
64. **Oklahoma Gas & Electric Co. (Arkansas), 2016 (Docket No. 16-052-U)** – Participated as an expert witness on behalf of the Arkansas River Valley Energy Consumers ("ARVEC")⁴ before the Arkansas Public Service Commission in OG&E's general rate case application to provide testimony on various revenue requirement, cost of service and rate design issues.
65. **Sierra Pacific Power Company (Nevada), 2016 (Docket No. 16-06006)** – Participated as an expert witness on behalf of the Northern Nevada Utility Customers⁵ before the Nevada PUC in SPPC's

⁴ ARVEC is an association of industrial manufacturing facilities in northwest Arkansas.

⁵ The Northern Nevada Utility Consumers is a group of large commercial and industrial customers in the SPPC service territory.

general rate case proceeding. Sponsored testimony on various revenue requirement, depreciation, and rate design issues.

66. **Tucson Electric Power, 2016 (Docket No. E-01933A-15-0322)** – Participated as an expert witness before the Arizona Corporation Commission in TEP’s General Rate Case application, on behalf of Energy Freedom Coalition of America providing written and oral testimony to address the utility’s cost of service study and rate design proposals.
67. **Texas Gas Service, 2016 (Docket No. 10506)** – Participated as an expert witness on behalf of El Paso before the Texas Railroad Commission in TGS’s General Rate Case application, sponsoring testimony to address the utility’s overall revenue requirement and various rate design proposals.
68. **Texas Gas Service, 2016 (Docket No. 10488)** – Participated as an expert witness on behalf of South Jefferson County Service Area (“SJCSA”) before the Texas Railroad Commission in TGS’s General Rate Case application, sponsoring testimony to address the utility’s overall revenue requirement and various rate design proposals.
69. **Oklahoma Gas and Electric Company, 2016 (Cause No. PUD 201500273)** – Participated as an expert witness on behalf of Oklahoma Industrial Energy Consumers (“OIEC”) before the Oklahoma Corporation Commission in OG&E’s General Rate Case application. Sponsoring testimony to address the utility’s overall revenue requirement and rate design proposals.
70. **Oklahoma Gas & Electric Company, 2016 (Cause No. PUD 201500273)** – Participated as an expert witness on behalf of The Alliance for Solar Choice (“TASC”) before the Oklahoma Corporation Commission to address OG&E’s proposed Distributed Generation (“DG”) rates for solar DG customers.
71. **Anchorage Municipal Light and Power, 2016 (Docket No. U-13-097)** – Participated as an expert witness before the Regulatory Commission of Alaska on behalf of Providence Health and Services to provide testimony on rates and tariffs proposed for customer-owned combined heat and power plant generation.
72. **Oklahoma Natural Gas Company, 2015 (Cause No. PUD 201500213)** – Participated as an expert witness on behalf of the OIEC before the Oklahoma Corporation Commission in ONG’s General Rate Case application. Sponsored testimony to address the utility’s overall revenue requirement and rate design proposals.
73. **Oklahoma Gas & Electric Company, 2015 (Cause No. PUD 201500274)** – Participated as an expert witness on behalf of The Alliance for Solar Choice (“TASC”) before the Oklahoma Corporation Commission to address OG&E’s proposed Distributed Generation (“DG”) rates for solar DG customers.
74. **Nevada Power Company, 2015 (Docket No. 15-07004)** – Participated as an expert witness on behalf of the Southern Nevada Hotel Group (“SNHG”)⁶ before the Nevada PUC. Sponsoring written and oral testimony in NPC’s 2015 Integrated Resource Plan to provide analysis of the On Line transmission line allocation, the Siverhawk plant acquisition, and the Griffith contract termination.
75. **Oklahoma Gas & Electric Company, 2015 (Docket No. 15-034-U)** – Participated as an expert

⁶ The Southern Nevada Hotel Group is comprised of Boyd Gaming, Caesars Entertainment, MGM Resorts, Station Casinos, Venetian Casino Resort, and Wynn Las Vegas

witness on behalf of the Arkansas River Valley Energy Consumers (“ARVEC”) before the Arkansas Public Service Commission in OG&E’s Act 310 application to implement a rider to recover environmental compliance costs.

76. **MGM Resorts, LLC, 2015 (Docket No. 15-05017)** – Participated as an expert witness on behalf of the MGM Resorts, LLC before the Nevada PUC. Sponsoring written and oral testimony in MGM’s application to purchase energy and capacity from a provider other than Nevada Power.
77. **Entergy Arkansas, 2015 (Docket No. 15-015-U)** – Participated as an expert witness on behalf of the Hospital and Higher Education Group (“HHEG”) an intervener group that includes the University of Arkansas and several hospitals before the Arkansas PSC in Entergy’s general rate case to provide testimony on various revenue requirement issues.
78. **Public Service Company of Oklahoma, 2015 (Cause No. PUD 201500208)** – Participated as an expert witness on behalf of OIEC before the OCC in AEP/PSO’s general rate case application to provide testimony on various cost-of-service issues and on the utility’s overall revenue requirement and rate design proposals.
79. **Nevada Power Company, 2014 (Docket No. 14-05003)** – Participated as an expert witness on behalf of the Southern Nevada Hotel Group (“SNHG”) before the Nevada PUC. Sponsored written and oral testimony in NPC environmental compliance case, called the Emissions Reduction and Capacity Replacement case. The main focus of our testimony was our recommendation to eliminate the \$438M Moapa solar project from the compliance plan.
80. **Nevada Power Company, 2014 (Docket No. 14-05004)** – Participated as an expert witness on behalf of the Southern Nevada Hotel Group before the Nevada PUC to sponsor written and oral testimony in both the revenue requirement phase and the rate design phase of the proceedings to establish prospective cost-of-service based rates for the power company.
81. **Oklahoma Gas and Electric Co., 2014 (Cause No. PUD 201400229)** – Participated as an expert witness on behalf of Oklahoma Industrial Energy Consumers (“OIEC”) in OG&E’s Environmental Compliance and Mustang Modernization Plan before the Oklahoma Corporation Commission to provide testimony addressing the economics and rate impacts of the plan.
82. **Sourcegas Arkansas, Inc., 2014 (Docket No. 13-079-U)** Participated as an expert witness on behalf of the Hospital and Higher Education Group (“HHEG”), an intervener group that includes the University of Arkansas and several hospitals before the Arkansas PSC in SGA’s general rate case to provide testimony on various revenue requirement issues.
83. **Anchorage Municipal Light and Power, 2014 (Docket No. U-13-184)** – Participated as an expert witness before the Alaska Regulatory Utility Commission on behalf of Providence Health and Services to provide testimony on various revenue requirement and cost of service issues.
84. **Public Service Company of Oklahoma, 2014 (Cause No. PUD 201300217)** – Participated as an expert witness on behalf of OIEC before the OCC in AEP/PSO’s general rate case application to provide testimony on various cost-of-service issues and on the utility’s overall revenue requirement and rate design proposals.
85. **Entergy Texas Inc., 2013 (PUC Docket No. 41791)** – Participated as an expert witness on behalf of

the Cities⁷ in ETI's general rate case to provide testimony on various cost of service issues and on the utility's overall revenue requirement.

86. **MidAmerican/NV Energy Merger, 2013 (Docket No. 13-07021)** – Participated as an expert witness on behalf of the Southern Nevada Hotel Group (“SNHG”) before the Nevada PUC. Sponsored testimony to address various issues raised in the proposed acquisition of NV Energy by MidAmerican Energy Holdings Company, including capital structure and acquisition premium recovery issues.
87. **Entergy Arkansas, 2013 (Docket No. 13-028-U)** – Participated as an expert witness on behalf of the Hospital and Higher Education Group (“HHEG”) an intervener group that includes the University of Arkansas and several hospitals before the Arkansas PSC in Entergy's general rate case to provide testimony on various revenue requirement issues.
88. **Sierra Pacific Power Company, 2013 (Docket No. 13-06002)** – Participated as an expert witness on behalf of the Northern Nevada Utility Customers⁸ before the Nevada PUC in SPPC's general rate case proceeding to provide testimony on various cost of service and revenue requirement issues. Sponsored written and oral testimony in the depreciation phase, the revenue requirement phase and the rate design phase of these proceedings.
89. **Gulf Power Company, 2013 (Docket No. 130140-EI)** – Participated as an expert witness on behalf of the Office of Public Counsel before the Florida Commission in Gulf Power's general rate case proceeding to provide testimony on various revenue requirement issues.
90. **Public Service Company of Oklahoma, 2013 (Cause No. PUD 201200054)** – Participated as an expert witness on behalf of the OIEC before the Oklahoma Corporation Commission (“OCC”) to provide testimony in PSO's application seeking Commission approval of its settlement agreement with EPA.
91. **Southwestern Electric Power Company, 2012 (PUC Docket No. 40443)** – Participated as an expert witness on behalf of Cities Advocating Reasonable Deregulation (“CARD Cities”) before the Texas Public Utility Commission in SWEPco's general rate case proceeding to provide testimony on various cost of service issues and on the utility's overall revenue requirement.
92. **Doyon Utilities, 2012 Alaska Rate Case (Docket No. TA7-717)** – Participated as an expert witness consultant on behalf of the Department of Defense to provide expert testimony in twelve rate case reviews for the utility systems of Fort Wainwright, Fort Greely and Joint Base Elmendorf-Richardson before the Regulatory Commission of Alaska.
93. **University of Oklahoma, 2012** – Participated as an expert witness on behalf of the University of Oklahoma to provide expert testimony on various revenue requirement issues in the University's general rate case with the Corix Group, which provides utility services to the University.
94. **Public Service Company of Oklahoma, 2012 (Cause No. PUD 201200079)** – Participated as an expert witness on behalf of the OIEC before the Oklahoma Corporation Commission to provide expert testimony addressing the utility's request to earn additional compensation on a 510MW purchased power agreement with Exelon

⁷ The Cities include Beaumont, Conroe, Groves, Houston, Huntsville, Orange, Navasota, Nederland, Pine Forest, Pinehurst, Port Arthur, Port Neches, Rose City, Shenandoah, Silsbee, Sour Lake, Vidor, and West Orange.

⁸ The Northern Nevada Utility Consumers is a group of large commercial and industrial customers in the SPPC service territory.

95. **Centerpoint Energy Texas Gas, 2012 (Docket No. GUD 10182)** – Participated as an expert witness on behalf of the Steering Committee of Cities before the Texas Railroad Commission to provide expert testimony on various revenue requirement issues.
96. **Entergy Texas Inc., 2012 (PUC Docket No. 39896)** – Participated as an expert witness on behalf of the Cities in ETI's general rate case to provide testimony on various cost of service issues and on the utility's overall revenue requirement.
97. **Oklahoma Natural Gas Company, 2012 (Cause No. PUD 2012-029)** – Participated as an expert witness on behalf of the OIEC before the OCC in ONG's Performance Based Rate ("PBR") application seeking Commission approval of a requested rate increase based upon formula results for 2011.
98. **University of Oklahoma, 2012** – Assisted the University of Oklahoma with an audit of the costs associated with its six utility operations and its contract with the Corix Group to provide utility services to the university.
99. **Oklahoma Gas and Electric Company, 2012 (Cause No. PUD 2011-186)** – Participated as an expert witness on behalf of the OIEC before the OCC in OG&E's application seeking Commission approval of a special contract with Oklahoma State University and a wind energy purchase agreement in connection therewith.
100. **Empire Electric Company, 2011, (Cause No. PUD 11-082)** – Participated as an expert witness on behalf of Enbridge before the OCC in Empire's rate case to provided testimony in both the revenue requirement and rate design phases of the proceedings to establish prospective cost-of-service based rates for the power company.
101. **Nevada Power Company, 2011, (Docket No. 11-04010)** - Participated as an expert witness on behalf of the Southern Nevada Hotel Group ("SNHG") before the Nevada PUC. Sponsored written and oral testimony to address proposed changes to the Company's customer deposit rules.
102. **Nevada Power Company, 2011, (Docket No. 11-06006)** - Participated as an expert witness on behalf of the Southern Nevada Hotel Group before the Nevada PUC. Sponsored written and oral testimony in both the revenue requirement phase and the rate design phase of the proceedings to establish prospective cost-of-service based rates for the power company.
103. **Public Service Company of Oklahoma, 2011 (Cause No. PUD 2011-106)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO's application seeking rider recovery of third party SPP transmission costs and fees.
104. **Oklahoma Gas and Electric Company, 2011 (Cause No. PUD 2011-087)** – Participated as an expert witness on behalf of OIEC before the OCC in OG&E's rate case to provided testimony in both the revenue requirement and rate design phases of the proceedings to establish prospective cost-of-service based rates for the power company.
105. **Oklahoma Gas & Electric Company, 2011 (Docket No. 10-109-U)** – Participated as an expert witness on behalf of Gerdau Macsteel before the Arkansas Public Service Commission in OG&E's application to recover Smart Grid costs to make recommendations regarding the allocation of the Smart Grid costs.

106. **Oklahoma Gas & Electric Company, 2011 (Cause No. PUD 2011-027)** – Participated as an expert witness on behalf of the OIEC before the OCC in OG&E’s application seeking to include retiree medical expense in the Company’s pension tracker mechanism.
107. **Public Service Company of Oklahoma, 2011 (Cause No. PUD 2010-50)** – Participated as an expert witness on behalf of OIEC before the Oklahoma Corporation Commission in AEP/PSO’s application to recover ice storm O&M expenses through a regulatory asset/rider mechanism to address tax impact and return issues in the proposed rider.
108. **Public Service Company of Colorado, 2011 (Docket No. 10AL-908E)** – Participated as an expert witness on behalf of the Colorado Retail Council (“CRC”) before the Colorado Public Utilities Commission providing written and live testimony to address PSCo’s proposed Environmental Tariff.
109. **Oklahoma Gas & Electric Company, 2011 (Docket No. 10-067-U)** – Participated as an expert witness on behalf of the Northwest Arkansas Industrial Energy Consumers (“NWIEC”)⁹ before the Arkansas Public Service Commission in OG&E’s general rate case application to provide testimony on various revenue requirement, cost of service and rate design issues.
110. **Oklahoma Gas & Electric Company, 2010 (Cause No. PUD 2010-146)** – Participated as an expert witness on behalf of the OIEC before the OCC in OG&E’s application seeking rider recovery of third party SPP transmission costs and SPP administration fees.
111. **Massachusetts Electric Co. & Nantucket Electric Co. d/b/a National Grid, 2010 (Docket No. DPU 10-54)** – Participated as an expert witness providing both written and live testimony before the Massachusetts Department of Public Utilities on behalf of the Associated Industries of Massachusetts (“AIM”) to address the Company’s proposed participation in the 438MW Cape Wind project in Nantucket Sound.
112. **Public Service Company of Oklahoma, 2010 (Cause No. PUD 2010-50)** – Participated as an expert witness on behalf of the OIEC before the OCC in AEP/PSO’s general rate case application to provide testimony on various cost-of-service issues and on the utility’s overall revenue requirement and rate design proposals.
113. **Texas-New Mexico Power Co., 2010 (Docket 38480)** – Participated as an expert witness on behalf of the Alliance of Texas Municipalities (“ATM”) before the Texas PUC in TMNP’s general rate case application to address various revenue requirement and rate design issues to establish prospective cost-of-service based rates.
114. **Southwestern Public Service Co., 2010 (PUCT Docket No. 38147)** – Participated as an expert witness on behalf of the Alliance of Xcel Municipalities (“AXM”) in the SPS general rate case application to provide testimony before the Texas Public Utility Commission regarding rate base and operating expense issues and sponsor the AXM Accounting Exhibits.
115. **Oklahoma Gas & Electric Company, 2010 (Cause No. PUD 2010-37)** – Participated as an expert witness on behalf of OIEC before the OCC to address the preapproval and ratemaking treatment of OG&E’s 220MW self-build wind project.
116. **Oklahoma Gas & Electric Company, 2010 (Cause No. PUD 2010-29)** – Participated as an expert witness on behalf of the OIEC before the OCC in OG&E’s application seeking pre-approval of

⁹NWIEC is an association of industrial manufacturing facilities in northwest Arkansas.

deployment of smart-grid technology and rider-recovery of the associated costs. Sponsored written testimony to address smart-grid deployment and time-differentiated fuel rates.

117. **Public Service Company of Oklahoma, 2010 (Cause No. PUD 2010-01)** – Participated as an expert witness on behalf of the OIEC before the OCC in the Company’s proposed Green Energy Choice Tariff. Sponsored testimony to address the pricing and ratemaking treatment of the Company’s proposed wind subscription tariff.
118. **Nevada Power Company, 2010 (Docket No. 10-02009)** – Participated as an expert witness on behalf of the Southern Nevada Hotel Group (“SNHG”) before the Nevada PUC to provide testimony in NPC’s Internal Resource Plan to address the ratemaking treatment of the proposed ON Line transmission line.
119. **Entergy Texas Inc., 2010 (PUC Docket No. 37744)** – Participated as an expert witness on behalf of the Cities in ETI’s general rate case to provide testimony on various cost of service issues and on the utility’s overall revenue requirement.
120. **El Paso Electric Company, 2010 (PUC Docket No. 37690)** – Participated as an expert witness on behalf of the City of El Paso in the EPI general rate case to provide testimony on various cost of service issues and on the utility’s overall revenue requirement.
121. **Public Service Company of Oklahoma, 2009 (Cause No. 09-196)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO’s application for approval of DSM programs and cost recovery. Sponsored testimony to address program costs, lost revenue recovery, cost allocations and incentives.
122. **Oklahoma Gas and Electric Company, 2009 (Cause No. PUD 09-230 and 09-231)** – Participated as an expert witness on behalf of OIEC before the OCC in OG&E’s application to add wind resources from two purchased power contracts. Sponsored written testimony to address the proper ratemaking treatment of the contract costs and the renewable energy certificates.
123. **Oklahoma Gas and Electric Company, 2009 (Cause No. PUD 08-398)** – Participated as an expert witness on behalf of OIEC before the OCC in OG&E’s rate case. Provided testimony in both the revenue requirement and rate design phases of the proceedings to establish prospective cost-of-service based rates for the power company.
124. **Nevada Power Company, 2009, (Docket No. 08-12002)** - Participated as an expert witness on behalf of the Southern Nevada Hotel Group before the Nevada PUC. Sponsored written and oral testimony in both the revenue requirement phase and the rate design phase of the proceedings to establish prospective cost-of-service based rates for the power company.
125. **Public Service Company of Oklahoma, 2009 (Cause No. 09-031)** – Participated as an expert witness on behalf of OIEC before the OCC in PSO’s application to add wind resources from two purchased power contracts. Sponsored written testimony to address the proper ratemaking treatment of the contract costs and the renewable energy certificates.
126. **Oklahoma Natural Gas Co., 2009 (Cause No. PUD 08-348)** – Participated as an expert witness on witness on behalf of the OIEC before the OCC in ONG’s application to establish a Performance Based Rate tariff. Sponsored both written and oral testimony to address the merits of the utility’s proposed PBR.

127. **Rocky Mountain Power, 2009 (Docket No. 08-035-38)** – Participated as an expert witness on behalf of the Division of Public Utilities (Staff) in PacifiCorp’s general rate case to provide testimony on various revenue requirement issues.
128. **Texas-New Mexico Power Co., 2008 (Docket 36025)** – Participated as an expert witness on behalf of the Alliance of Texas Municipalities (“ATM”) before the Texas PUC in TMNP’s general rate case application to address various revenue requirement and rate design issues to establish prospective cost-of-service based rates.
129. **Public Service Company of Oklahoma, 2008 (Cause No. 08-144)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO’s general rate case application to address revenue requirement and rate design issues to establish prospective cost-of-service based rates.
130. **Public Service Company of Oklahoma, 2008 (Cause No. 08-150)** – Participated as an expert witness on behalf of the OIEC before the OCC to address PSO’s calculation of its Fuel Clause Adjustment for 2008.
131. **Oklahoma Gas and Electric Company, 2008 (Cause No. PUD 08-059)** – Participated as an expert witness on behalf of the OIEC before the OCC in OG&E’s application seeking authorization of its Demand Side Management (“DSM”) programs and the establishment of a DSM Rider to recover program costs, lost revenues and utility incentives.
132. **Entergy Gulf States, 2008 (PUC Docket No. 34800, SOAH Docket No. 473-08-0334)** – Participated as an expert witness on behalf of the Cities in EGSI’s general rate case to provide testimony on various cost of service issues and on the utility’s overall revenue requirement.
133. **Public Service Company of Oklahoma, 2008 (Cause No. 07-465)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO’s application to recover the pre-construction costs of the cancelled Red Rock coal generation facility.
134. **Oklahoma Gas and Electric Company, 2008 (Cause No. 07-447)** – Participated as an expert witness on behalf of the OIEC before the OCC in OG&E’s application seeking authorization to recover the pre-construction costs of the cancelled Red Rock coal generation facility using proceeds from sales of excess SO₂ allowances.
135. **Rocky Mountain Power, 2008 (Docket No. 07-035-93)** – Participated as an expert witness on behalf of Division of Public Utilities (Staff) in PacifiCorp’s general rate case to provide testimony on various revenue requirement issues.
136. **Public Service Company of Oklahoma, 2008 (Cause No. PUD 07-449)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO’s application seeking authorization of its Demand Side Management (“DSM”) programs and the establishment of a DSM Rider to recover program costs, lost revenues and utility incentives.
137. **Public Service Company of Oklahoma, 2008 (Cause No. PUD 07-397)** – Participated as an expert witness on behalf of OIEC before the OCC in PSO’s application seeking authorization to defer storm damage costs in a regulatory asset account and to recover the costs using the proceeds from sales of excess SO₂ allowances.
138. **Oklahoma Gas & Electric Co., 2007 (Cause No. PUD 07-012)** – Participated as an expert witness on behalf of OIEC before the OCC in OG&E’s application seeking pre-approval to construct the Red

Rock coal plant to address the Company's proposed rider recovery mechanism.

139. **Oklahoma Natural Gas Co., 2007 (Cause No. PUD 07-335)** – Participated as an expert witness on behalf of the OIEC before the OCC in ONG's application proposing alternative cost recovery for the Company's ongoing capital expenditures through the proposed Capital Investment Mechanism Rider ("CIM Rider"). Sponsored testimony to address ONG's proposal.
140. **Public Service Company of Oklahoma, 2007 (Cause No. PUD 06-030)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO's application seeking a used and useful determination for its planned addition of the Red Rock coal plant to address the Company's use of debt equivalency in the competitive bidding process for new resources.
141. **Public Service Company of Oklahoma, 2006 (Cause No. PUD 06-285)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO's general rate case application to address various revenue requirement and rate design issues to establish prospective cost-of-service based rates.
142. **Nevada Power Company, 2007, (Docket No. 07-01022)** - Participated as an expert witness on behalf of the MGM MIRAGE before the Nevada PUC in Nevada Power Company's deferred energy docket to determine the level of prudent company expenditures for fuel and purchased power.
143. **Nevada Power Company, 2006, (Docket No. 06-11022)** - Participated as an expert witness on behalf of the MGM MIRAGE properties before the Nevada PUC. Sponsored written and oral testimony in both the revenue requirement phase and the rate design phase of the proceedings to establish prospective cost-of-service based rates for the power company.
144. **Southwestern Public Service Co., 2006 (PUCT Docket No. 37766)** – Participated as an expert witness on behalf of the Alliance of Xcel Municipalities ("AXM") in the SPS general rate case application. Provided testimony before the Texas Public Utility Commission regarding rate base and operating expense issues and sponsored the Accounting Exhibits on behalf of AXM.
145. **Atmos Energy Corp., Mid-Tex Division, 2006 (Texas GUD 9676)** – Participated as an expert witness in the Atmos Mid-Tex general rate case application on behalf of the Atmos Texas Municipalities ("ATM"). Provided written and oral testimony before the Railroad Commission of Texas regarding the revenue requirements of Mid-Tex including various rate base, operating expense, depreciation and tax issues. Sponsored the Accounting Exhibits for ATM.
146. **Nevada Power Company, 2006 (Docket No. 06-06007)** – Participated as an expert witness on behalf of the MGM MIRAGE in the Sinatra Substation Electric Line Extension and Service Contract case. Provided both written and oral testimony before the Nevada Public Utility Commission to provide the Commission with information as to why the application is consistent with the line extension requirements of Rule 9 and why the cost recovery proposals set forth in the application provide a least cost approach to adding necessary new capacity in the Las Vegas strip area.
147. **Public Service Co. of Oklahoma, 2006 (Cause No. PUD 05-00516)** - Participated as an expert witness on behalf of the OIEC to review PSO's application for a "used and useful" determination of its proposed peaking facility.
148. **Oklahoma Gas and Electric Co., 2006 (Cause No. PUD 06-00041)** – Participated as an expert witness on behalf of the OIEC in OG&E's application to propose an incentive sharing mechanism for SO₂ allowance proceeds.

149. **Chermac Energy Corporation, 2006 (Cause No. PUD 05-00059 and 05-00177)** – Participated as an expert witness on behalf of the OIEC in Chermac’s PURPA application. Sponsored written responsive and rebuttal testimony to address various rate design issues arising under the application.
150. **Oklahoma Gas and Electric Co., 2006 (Cause No. PUD 05-00140)** – Participated as an expert witness on behalf of the OIEC in OG&E’s 2003 and 2004 Fuel Clause reviews. Sponsored written testimony to address the purchasing practices of the Company, its transactions with affiliates, and the prices paid for natural gas, coal and purchased power.
151. **Nevada Power Company, 2006, (Docket No. 06-01016)** - Participated as an expert witness on behalf of the MGM MIRAGE properties before the Nevada PUC. Sponsored written testimony in NPC’s deferred energy docket to determine the level of prudent company expenditures for fuel and purchased power.
152. **Oklahoma Gas and Electric Co., 2005 (Cause No. PUD 05-151)** – Participated as an expert witness on behalf of the OIEC in OG&E’s general rate case application. Sponsored both written and oral testimony before the OCC to address various revenue requirement and rate design issues for the purpose of setting prospective cost-of-service based rates.
153. **Oklahoma Natural Gas Co., 2005 (Cause No. PUD 04-610)** – Participated as an expert witness on behalf of the Attorney General of Oklahoma. Sponsored written and oral testimony to address numerous rate base, operating expense and depreciation issues for the purpose of setting prospective cost-of-service based rates.
154. **CenterPoint Energy Arkla, 2004 (Cause No. PUD 04-0187)** – Participated as an expert witness on behalf of the Attorney General of Oklahoma. Sponsored written testimony to provide the OCC with analysis from an accounting and ratemaking perspective of the Co.’s proposed change in depreciation rates from an Average Life Group to an Equal Life Group methodology. Addressed the Co.’s proposed increase in depreciation rates associated with increased negative salvage value calculations.
155. **Public Service Co. of Oklahoma, 2004 (Cause No. PUD 02-0754)** – Participated as an expert witness on behalf of the OIEC. Sponsored written testimony (1) making adjustments to PSO’s requested recovery of an ICR programming error, (2) correcting errors in the allocation of trading margins on off-system sales of electricity from AEP East to West and among the AEP West utilities and (3) recommending an annual rather than a quarterly change in the FAC rates.
156. **PowerSmith Cogeneration Project, 2004 (Cause No. PUD 03-0564)** - Participated as an expert witness on behalf of the OIEC to provide the OCC with direction in setting an avoided cost for the PowerSmith Cogeneration project under PURPA requirements. Provided both written and oral testimony on the provisions of the proposed contract under PURPA.
157. **Electric Utility Rules for Affiliate Transactions, 2004 (Cause No. RM 03-0003)** – Participated as a consultant on behalf of the OIEC to draft comments to assist the OCC in developing rules for affiliate transactions. Assisted in drafting the proposed rules. Successful in having the Lower of Cost or Market rule adopted for affiliate transactions in Oklahoma.
158. **Nevada Power Company, 2003, (Docket No. 03-10001)** - Participated as an expert witness on behalf of the MGM MIRAGE properties before the Nevada PUC. Sponsored written and oral testimony in both the revenue requirement phase and the rate design phase of the proceedings to establish prospective cost-of-service based rates for the power company.

159. **Nevada Power Company, 2003, (Docket No. 03-11019)** - Participated as an expert witness on behalf of the MGM MIRAGE before the Nevada PUC in Nevada Power Company's deferred energy docket to determine the level of prudent company expenditures for fuel and purchased power.
160. **Public Service Company of Oklahoma, 2003 (Cause No. PUD 03-0076)** – Participated as an expert witness on behalf of the OIEC before the OCC in PSO's general rate case application to address various revenue requirement and rate design issues to establish prospective cost-of-service based rates.
161. **Oklahoma Gas & Electric Co., 2003 (Cause No. PUD 03-0226)** – Participated as an expert witness on behalf of the OIEC. Provided both written and oral testimony before the OCC to determine the appropriate level to include in rates for natural gas transportation and storage services acquired from an affiliated company.
162. **Nevada Power Company, 2003 (Docket No. 02-5003-5007)** - Participated as an expert witness on behalf of the MGM Mirage before the Nevada PUC. Sponsored written and oral testimony to calculate the appropriate exit fee in MGM Mirage's 661 Application to leave the system.
163. **McCarthy Family Farms, 2003** – Participated as a consultant to assist McCarthy Family Farms in converting a biomass and biosolids composting process into a renewable energy power producing business in California.
164. **Bice v. Petro Hunt, 2003 (ND, Supreme Court No. 20030306)** - Participated as an expert witness in a class certification proceeding to provide cost-of-service calculations for royalty valuation deductions for natural gas gathering, dehydration, compression, treatment and processing fees in North Dakota.
165. **Nevada Power Company, 2003 (Docket No. 03-11019)** - Participated as a consulting expert on behalf of the MGM Mirage before the Nevada PUC in Nevada Power Company's deferred energy docket to determine the level of prudent company expenditures for fuel and purchased power. Provided written and oral testimony on the reasonableness of the cost allocations to the utility's various customer classes.
166. **Wind River Reservation, 2003 (Fed. Claims Ct. No. 458-79L, 459-79L)** – Participated as a consulting expert on behalf of the Shoshone and Arapaho Tribes to provide cost-of-service calculations for royalty valuation deductions for gathering, dehydration, treatment and compression of natural gas and the reasonableness of deductions for gas transportation.
167. **Oklahoma Gas & Electric Co., 2002 (Cause No. PUD 01-0455)** – Participated as an expert witness on behalf of the OIEC before the OCC. Sponsored written and oral testimony on numerous revenue requirement issues including rate base, operating expense and rate design issues to establish prospective cost-of-service based rates.
168. **Nevada Power Company, 2002 (Docket No. 02-11021)** - Participated as an expert witness on behalf of the MGM Mirage before the Nevada PUC in Nevada Power Company's deferred energy docket to determine the level of prudent company expenditures for fuel and purchased power and to make recommendations with respect to rate design.
169. **Nevada Power Company, 2002 (Docket No. 01-11029)** - Participated as a consulting expert on behalf of the MGM Mirage before the Nevada PUC in Nevada Power Company's deferred energy

docket to determine the level of prudent company expenditures for fuel and purchased power included in the Company's \$928 million deferred energy balances.

170. **Nevada Power Company, 2002 (Docket No. 01-10001)** - Participated as an expert witness on behalf of the MGM Mirage before the Nevada PUC. Sponsored written and oral testimony in both the revenue requirement phase and the rate design phase of the proceedings to establish prospective cost-of-service based rates for the power company.
171. **Chesapeake v. Kinder Morgan, 2001 (CIV-00-397L)** - Participated as an expert witness on behalf of Chesapeake Energy in a gas gathering dispute. Sponsored testimony to calculate and support a reasonable rate on the gas gathering system. Performed necessary calculations to determine appropriate levels of operating expense, depreciation and cost of capital to include in a reasonable gathering charge and developed an appropriate rate design to recover these costs.
172. **Southern Union Gas Company, 2001** - Participated as a consultant to the City of El Paso in its review of SUG's gas purchasing practices, gas storage position, and potential use of financial hedging instruments and ratemaking incentives to devise strategies to help shelter customers from the risk of high commodity price spikes during the winter months.
173. **Nevada Power Company, 2001** - Participated as an expert witness on behalf of the MGM-Mirage, Park Place and Mandalay Bay Group before the Nevada Public Utility Commission to review NPC's Comprehensive Energy Plan (CEP) for the State of Nevada and make recommendations regarding the appropriate level of additional costs to include in rates for the Company's prospective power costs associated with natural gas and gas transportation, coal and coal transportation and purchased power.
174. **Bridenstine v. Kaiser-Francis Oil Co. et al., 2001 (CJ-95-54)** - Participated as an expert witness on behalf of royalty owner plaintiffs in a valuation dispute regarding gathering, dehydration, metering, compression, and marketing costs. Provided cost-of-service calculations to determine the reasonableness of the gathering rate charged to the royalty interest. Also provided calculations as to the average price available in the field based upon a study of royalty payments received on other wells in the area.
175. **Klatt v. Hunt et al., 2000 (ND)** - Participated as an expert witness and filed report in United States District Court for the District of North Dakota in a natural gas gathering contract dispute to calculate charges and allocations for processing, sour gas compression, treatment, overhead, depreciation expense, use of residue gas, purchase price allocations, and risk capital.
176. **Oklahoma Gas and Electric Co., 2000 (Cause No. PUD 00-0020)** - Participated as an expert witness on behalf of the OIEC before the OCC. Sponsored testimony on OG&E's proposed Generation Efficiency Performance Rider (GEPR). Provided a list of criteria with which to measure a utility's proposal for alternative ratemaking. Recommended modifications to the Company's proposed GEPR to bring it within the boundaries of an acceptable alternative ratemaking formula.
177. **Oklahoma Gas and Electric Co., 1999** - Participated as an expert witness on behalf of the OIEC before the OCC. Sponsored testimony on OG&E's proposed Performance Based Ratemaking (PBR) proposal including analysis of the Company's regulated return on equity, fluctuations in the capital investment and operating expense accounts of the Company and the impact that various rate base, operating expense and cost of capital adjustments would have on the Company's proposal.
178. **Nevada Power Company, 1999 (Docket No. 99-7035)** - Participated as an expert witness on behalf of the Mirage, Park Place and Mandalay Bay Group before the Nevada PUC. Sponsored written and

oral testimony addressing the appropriate ratemaking treatment of the Company's deferred energy balances, prospective power costs for natural gas, coal and purchased power and deferred capacity payments for purchased power.

179. **Nevada Power Company, 1999 (Docket No. 99-4005)** - Participated as an expert witness on behalf of the Mirage, Park Place and Mandalay Bay Group before the Nevada PUC. Sponsored written and oral testimony to unbundle the utility services of the NPC and to establish the appropriate cost-of-service allocations and rate design for the utility in Nevada's new competitive electric utility industry.
180. **Nevada Power Company, 1999 (Docket No. 99-4005)** - Participated as an expert witness on behalf of the Mirage, Park Place and Mandalay Bay Group before the Nevada PUC. Sponsored written and oral testimony to establish the cost-of-service revenue requirement of the Company.
181. **Nevada Power/Sierra Pacific Merger, 1998 (Docket No. 98-7023)** - Participated as an expert witness on behalf of the Mirage and MGM Grand before the Nevada PUC. Sponsored written and oral testimony to establish (1) appropriate conditions on the merger (2) the proper sequence of regulatory events to unbundle utility services and deregulate the electric utility industry in Nevada (3) the proper accounting treatment of the acquisition premium and the gain on divestiture of generation assets. The recommendations regarding conditions on the merger, the sequence of regulatory events to unbundle and deregulate, and the accounting treatment of the acquisition premium were specifically adopted in the Commission's final order.
182. **Oklahoma Natural Gas Company, 1998 (Cause No. PUD 98-0177)** - Participated as an expert witness in ONG's unbundling proceedings before the OCC. Sponsored written and oral testimony on behalf of Transok, LLC to establish the cost of ONG's unbundled upstream gas services. Substantially all of the cost-of-service recommendations to unbundle ONG's gas services were adopted in the Commission's interim order.
183. **Public Service Company of Oklahoma, 1997 (Cause No. PUD 96-0214)** - Audited both rate base investment and operating revenue and expense to determine the Company's revenue requirement and cost-of-service. Sponsored written testimony before the OCC on behalf of the OIEC.
184. **Oklahoma Natural Gas /Western Resources Merger, 1997 (Cause No. PUD 97-0106)** - Sponsored testimony on behalf of the OIEC regarding the appropriate accounting treatment of acquisition premiums resulting from the purchase of regulated assets.
185. **Oklahoma Gas and Electric Co., 1996 (Cause No. PUD 96-0116)** - Audited both rate base investment and operating income. Sponsored testimony on behalf of the OIEC for the purpose of determining the Company's revenue requirement and cost-of-service allocations.
186. **Oklahoma Corporation Commission, 1996** - Provided technical assistance to Commissioner Anthony's office in analyzing gas contracts and related legal proceedings involving ONG and certain of its gas supply contracts. Assignment included comparison of pricing terms of subject gas contracts to portfolio of gas contracts and other data obtained through annual fuel audits analyzing ONG's gas purchasing practices.
187. **Tenkiller Water Company, 1996** - Provided technical assistance to the Attorney General of Oklahoma in his review of the Company's regulated cost-of-service for the purpose of setting prospective utility rates.
188. **Arkansas Oklahoma Gas Company, 1995 (Cause No. PUD 95-0134)** - Sponsored written and oral

testimony before the OCC on behalf of the Attorney General of Oklahoma regarding the price of natural gas on AOG's system and the impact of AOG's proposed cost of gas allocations and gas transportation rates and tariffs on AOG's various customer classes.

189. **Enogex, Inc., 1995 (FERC 95-10-000)** - Analyzed Enogex's application before the FERC to increase gas transportation rates for the Oklahoma Independent Petroleum Association and made recommendations regarding revenue requirement, cost-of-service and rate design on behalf of independent producers and shippers.
190. **Oklahoma Natural Gas Company, 1995 (Cause No. PUD 94-0477)** - Analyzed a portfolio of ONG's gas purchase contracts in the Company's Payment-In-Kind (PIC) gas purchase program and made recommendations to the OCC Staff on behalf of Terra Nitrogen, Inc. regarding the inappropriate profits made by ONG on the sale of the gas commodity through the PIC program pricing formula. Also analyzed the price of gas on ONG's system, ONG's cost-of-service based rates, and certain class cross-subsidizations in ONG's existing rate design.
191. **Arkansas Louisiana Gas Company, 1994 (Cause No. PUD 94-0354)** - Planned and supervised the rate case audit for the OCC Staff and reviewed the workpapers and testimony of the other auditors on the case. Sponsored cost-of-service testimony on cash working capital and developed policy recommendations on post test year adjustments.
192. **Empire District Electric Company, 1994 (Cause No. PUD 94-0343)** - Planned and supervised the rate case audit for the OCC Staff and reviewed the workpapers and testimony of other auditors. Sponsored cost-of-service testimony on rate base investment areas including cash working capital.
193. **Oklahoma Natural Gas Company, 1992 through 1993 (Cause No. PUD 92-1190)** - Planned and supervised the rate case audit of ONG for the OCC Staff. Reviewed all workpapers and testimony of the other auditors on the case. Sponsored written and oral testimony on numerous cost-of-service adjustments. Analyzed ONG's gas supply contracts under the Company's PIC program.
194. **Oklahoma Gas and Electric Company, 1991 through 1992 (Cause No. PUD 91-1055)** - Audited the rate base, operating revenue and operating expense accounts of OG&E on behalf of the OCC Staff. Sponsored written and oral testimony on numerous revenue requirement adjustments to establish the appropriate level of costs to include for the purpose of setting prospective rates.

SOAH DOCKET NO. 473-21-0479
PUCT DOCKET NO. 51348

EXHIBIT MG-2 Revenue Requirement Calculations

El Paso Electric Company
City of El Paso DCRF Revenue Requirement Adjustments
Update Period 01/01/2019 - 06/30/2020

Line No	Description	Reference	Calc	Amount
1	Identified Plant Additions	MG-2 1		\$ 6,840,134
2	Accumulated Depreciation	MG-2 1		(79,335)
3	Accumulated Deferred Income Tax	MG-2 1		(47,096)
4	Net Identified Plant Additions			<u>\$ 6,713,703</u>
5	Authorized Rate of Return	DCRF_Filing_Schedules A-J xls, tab D#46831 ROR, line 4, col 6		<u>7.725%</u>
6	Return on Identified Plant			<u>\$ 518,634</u>
7	Interest on Identified Plant (\$6,713,703 x .0306)	Long Term debt rate from 10/2020 DCRF_Filing_Schedules A-J xls, tab D#46831 ROR, line 3, col 6	\$ 205,439	
8	Taxable Return	Ln 6 minus Ln 7	\$ 313,194	
9	Income Taxes on Identified Projects	Tax Rate from 10/2020 DCRF_Filing_Schedules A-J xls, tab Schedule E-3, line 50		113,398
10	Depreciation on Identified Projects	MG-2 1, cell J20		105,780
11	Ad valorem taxes on Identified Projects	Ad valorem tax effective rate from WP-E-2, cell C12		<u>69,151</u>
12	Total Revenue Requirement on Identified Projects			<u><u>\$ 806,962</u></u>
13	Recommended Reduction to DCRF Revenue Requirement			<u><u>\$ (806,962)</u></u>

El Paso Electric Company
City of El Paso DCRF Identified Projects and Related Costs
Update Period 01/01/2019 - 06/30/2020

Ln No	Year	Project No	Project	Reference	Reason for Exclusion	Acct No	Texas Distribution	Deprec Rates	Depreciation Expense
1	2019	DT0801300007	HORIZON LAND PURCHASE	09 WP Exhibit RCD-3 VOLUMINOUS.xlsx Tab 2019, cell F5719	Purchased for future use	360	\$ 212,974	1.29%	\$ 2,747
2	2019	DT4371300001	SUNSET STRUCTURAL IMPROVEMENTS	09 WP Exhibit RCD-3 VOLUMINOUS.xlsx Tab 2019, cell F6084	For future expansion	361	1,058,110	1.55%	16,401
3	2020	DT0610101002	HIGH-LEVEL SYSTEM CLOSING	09 WP Exhibit RCD-3 VOLUMINOUS.xlsx Tab 2020, cell F12	Not closed to plant in service	364	1,236,492	1.81%	22,381
4	2019	DT4301300001	FT BLISS T1 XFMR EMERG REPLACEMENT	09 WP Exhibit RCD-3 VOLUMINOUS.xlsx Tab 2019, cell F6082	Transmission Level Customer	362	1,459,707	1.34%	19,560
5	2019	DT0151300006	PHELPS DODGE RELAY ADDS (ASC LINE)	09 WP Exhibit RCD-3 VOLUMINOUS.xlsx Tab 2019, cell F11	Upgrades for transmission	362	144,074	1.34%	1,931
6	2019	DT0151300007	ASCARATE RELAY ADDS (PD LINE)	09 WP Exhibit RCD-3 VOLUMINOUS.xlsx Tab 2019, cell F10	Upgrades for transmission	362	147,559	1.34%	1,977
7	2019		ITEMS REIMBURSABLE BY TXDOT	CFP 01-04 - Attachment 01.xlsx, cell D12	Reimbursements sought		880,080	1.58%	13,905
8	2020		ITEMS REIMBURSABLE BY TXDOT	CFP 01-04 - Attachment 01.xlsx, cell F12	Reimbursements sought		1,701,137	1.58%	26,878
9			TOTALS				<u>\$ 6,840,134</u>	<u>1.55%</u>	<u>\$ 105,780</u>
10			ACCUMULATED DEPR (9 months)						<u>\$ 79,335</u>
11			ADIT (5% tax depreciation rate and a tax effective rate of 26.5822785%)						<u>\$ 47,096</u>

Note 1: Projects descriptions, FERC accounts, and amounts from CEP 1-2, CEP 1-4, and 09 WP Exhibit RCD-3 VOLUMINOUS.xlsx

Note 2: Depreciation rates from Schedule-E-1 for new plant. The depreciation rate for reimbursements is a composite for new plant.

Note 3: Ad valorem tax effective rate from WP-F-2, cell C12.

Note 4: Accumulated Depreciation based on the assumptions that the projects have been in service for one half of the 18 month period.

Note 5: ADIT assumes a 5% tax depreciation rate and a tax effective rate of 26.5822785%.

Garrett Group Consulting, Inc.
Professional Services Charges
El Paso Electric DCRF, PUC Docket No. 51348

Date	Task	Hours
Mark Garrett		
October		
26	Review application, testimony and exhibits; work on discovery; develop issues; work with other counsel and consultants on the case.	2
30	Review application, testimony and exhibits; work on discovery; develop issues; work with other counsel and consultants on the case.	2
November		
12	Review application, testimony and exhibits; work on discovery; develop issues; work with other counsel and consultants on the case.	2
16	Review application, testimony and exhibits; work on discovery; develop issues; work with other counsel and consultants on the case.	2
17	Review application, testimony and exhibits; work on discovery; develop issues; work with other counsel and consultants on the case.	4
December		
7	Develop issue; work on testimony and exhibits.	4
9	Develop issue; work on testimony and exhibits.	4
10	Develop issue; work on testimony and exhibits.	4
Total		24
Ed Farrar		
October		
23	Review discovery responses, perform analysis	1
November		
16	Review application and testimony	1.5
17	Review testimony, exhibits, and work papers, discuss issues	7.5
December		
8	Review orders, exhibits, EDIT issues	5
9	Perform analysis, draft testimony	5
Total		20

Garrett Group Consulting, Inc.
Professional Services Charges
El Paso Electric DCRF, PUC Docket No. 51348

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9	Perform analysis, draft testimony	5
Total		20

SOAH DOCKET NO. 473-21-0479
PUCT DOCKET NO. 51348

EXHIBIT MG-4 Norman J. Gordon Declaration

SOAH DOCKET NO. 473-21-0475
PUC DOCKET NO. 51348

**APPLICATION OF EL PASO ELECTRIC §
COMPANY TO AMEND ITS §
DISTRIBUTION COST RECOVERY §
FACTOR §**

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

DECLARATION OF NORMAN J. GORDON

THE STATE OF OHIO)
COUNTY OF CUYAHOGA)

•

1. My name is Norman J. Gordon. My business address is PO Box 8, El Paso, Texas, 79940. I am over eighteen years of age and I am not disqualified from making this Declaration. I declare under penalty of perjury that the information in this declaration provided under Chapter 132 Texas Civil Practice and Remedies Code is true and correct.

2. I am an attorney licensed in the States of Texas and Illinois, and numerous federal courts. I received my undergraduate degree and law degree from University of Illinois at Urbana-Champaign. I have been in private practice of law in El Paso since completing my military obligation with the Judge Advocate General's Corps of the United States Army in 1974. I am board certified in Civil Trial Law by the Texas Board of Legal Specialization and have been so certified since 1983. One of the areas of my practice is in the area of utility regulation. Since 1978, I have been lead counsel for parties in many major rate cases, rulemaking proceedings, and other administrative dockets before City Councils, the Railroad Commission of Texas, the Public Utility Commission of Texas, State District Courts, United States Bankruptcy Court, and Texas Appellate Courts, including the Supreme Court of Texas. I have filed testimony on rate case expense issues in cases before Railroad Commission of Texas. I have filed testimony and testified as an expert witness on rate case expenses in cases before the Public Utility Commission of Texas. I have also taught principles of regulation to members of the Public Utility Regulation Board of the City of El Paso, an advisory board on utility matters.

3. I became a sole practitioner in February 2019. Prior to February 2019, I was a shareholder in the El Paso firm of Mounce, Green Myers, Safi, Paxson & Galatzan, A Professional Corporation, from October 2003 until February 2019. Prior to that time my private practice was with the El Paso law firm of Diamond Rash Gordon & Jackson, P.C., for 29 years where I was a shareholder.

4. The City of El Paso (“City”) engaged me to act as outside counsel for it in this case Application of El Paso Electric Company to Amend Its Distribution Cost Recovery Factor, SOAH Docket No. 473-21-0479, PUC Docket 51348

5. In connection with the case, the amount incurred through November 30, 2020 is a total of \$5,985 in fees. There were no expenses during this period. The description of services is provided in the attached invoices, by day, attorney and services performed. The invoices and support are attached to this Declaration as Attachment "A" and incorporated herein. I will also bill for the services of Garrett Group Consulting, Inc, however, I had not received their statement at the time I prepared this Declaration.

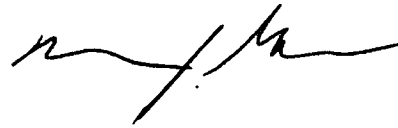
6. This case is ongoing. I currently estimate that the additional fees through December 31, 2020 will be \$3,500 and an additional \$12,000 if the case goes to hearing as scheduled in January 2021. The remaining work is the review and analysis of the testimony of other parties, including the PUC staff and El Paso Electric rebuttal, the possibility of cross-rebuttal, discovery as necessary on other parties and El Paso Electric, the conduct of the hearing, including the preparation of exhibits, post hearing briefing, and as necessary Exceptions to the Proposal for Decision. Additional expenses will include copying and hearing transcripts. Based on my experience I estimate that the additional fees will be approximately \$ \$15,000 and expenses of \$1,000. I would hope to supplement at a later time.

7. I am familiar with the hourly rates charged by others in Texas with similar or less experience for similar work, through the cases in which I have acted as counsel and through the cases in which I have filed testimony. The hourly rates charged by me of \$350.00 was reasonable.

8. All of the work done by me was necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, the originality of the issues presented including the nature of the issues raised and addressed by the City in this proceeding, and the amount of time spent by and charges by others for work of a similar nature in this and other proceedings. The expenses incurred are all reasonable and necessary for the presentation and prosecution of the City's case.

Further Declarant Says Not.

Dated December 10, 2020

A handwritten signature in black ink, appearing to read 'N. J. Gordon', written over a horizontal line.

Norman J. Gordon

Norman J. Gordon
 Attorney at Law
 PO Box 8
 El Paso, Texas, 79940

City of El Paso
 300 N. Campbell
 Attn. Office of the City Attorney
 PO Box 1890
 El Paso TX 79950-1890
 El Paso TX 79901

Attn: Karla M. Nieman

2020 DCRF 51348

Page: 1
 12/10/2020
 Account No: 1-24M
 Statement No: 159

Payments received after 12/10/2020 are not included on this statement.

Fees

			Hours	
09/22/2020	NJG	Tel. Conf w/ A Mullin re: DCRF Timetable/ Rules application and things to do.		
10/02/2020	NJG	Review of Intervention and Protective Order.	0.20	70.00
10/08/2020	NJG	Tel M. Garrett RE: issues and potential, E-mail filing	0.40	140.00
	NJG	Tel M. Garrett, E-mail to J. Flores re: approval of consultant and forward	0.60	210.00
10/16/2020	NJG	Initial review of EPE DCRF filing at PUCT	1.10	385.00
10/21/2020	NJG	Detailed schedule review for potential issues/	2.10	735.00
10/23/2020	NJG	Tel. w/ M. Garrett re: issues in the case potential discovery areas and timing.	0.80	280.00
10/26/2020	NJG	PUC Standard referral Order/ E-mail A. Mullin	0.30	105.00
10/29/2020	NJG	Tel. M. Garrett and A. Mullin re: issues potential issues and matters to study.	1.00	350.00
11/05/2020	NJG	E-mails and calls (B. Slocum and R. Parish) re: potential schedule and changes	0.50	175.00
11/06/2020	NJG	Attend Telephonic Prehearing Conference/ E-mails w/ A. Mullin about the PHC./ Tel. M. Garrett re: issues, Tel. M. Garrett and E. Ferrar re: potential issue and filing.	1.50	525.00
11/13/2020	NJG	Tel w/ E. Triggs, M. Arambula, J. Gonzalez, A. Mullin re: procedures for developing the case and issues related to settlement conferences	0.90	315.00
11/16/2020	NJG	Tel. M. Garrett, Tel. A. Mullin, File review for call w/ M. Garrett, Staff data		

2020 DCRF 51348

		request	Hours 2 20	770.00
11/17/2020	NJG	Search EPE files for data relevant to claimed plant additions, Tel. M. Garrett and E. Ferrar.	1.40	490.00
11/18/2020	NJG	Review edit revise and set up for filing CEP First RFI's	1.10	385.00
11/19/2020	NJG	Tel. B. Slocum Re: EPE questions about RFI's and need for clarification	0.20	70.00
11/20/2020	NJG	Review information in EPE's rate case relative to weather adjustment and approach, isolate and identify issues responsive to EPE inquiry about RFI's Report information to via telephone to B. Slocum.	1.30	455.00
11/23/2020	NJG	Detailed review of EPE Responses to Staff RFI's	1.50	525.00
		For Current Services Rendered	17 10	5,985.00

Recap

Timekeeper	Title	Hours	Rate	Total
Norman J Gordon	Senior Partner	17 10	\$350.00	\$5,985.00

Total Current Work 5,985.00

Balance Due \$5,985.00

Billing History				
Fees	Expenses	Advances	Finance Charge	Payments
5,985.00	0.00	0.00	0.00	0.00

Please make checks payable to "Norman J. Gordon"

Docket No. 50058

SOAH DOCKET NO. 473-20-3996

PUC DOCKET NO. 50058

**APPLICATION OF EL PASO
ELECTRIC COMPANY TO
RECONCILE FUEL COSTS**

**§
§
§**

**BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

**DIRECT TESTIMONY OF
SCOTT NORWOOD**

**ON BEHALF OF
THE CITY OF EL PASO**

AUGUST 27, 2020

DIRECT TESTIMONY OF SCOTT NORWOOD

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IV. NEWMAN 5 FORCED OUTAGE (Preliminary Order Issue No. 5, 9, 11).....	8
V. PALO VERDE PERFORMANCE STANDARDS (Preliminary Order Issue 28)	18
VI. CEP’S RATE CASE EXPENSE (Preliminary Order Issue 25).....	22

EXHIBITS

SN-1	Background and Experience of Scott Norwood
SN-2	EPE’s Response to CEP 1-5
SN-3	EPE’s Responses to CEP 3-7 and CEP 1-14
SN-4	EPE’s Response to CEP 6-2
SN-5	EPE’s Response to CEP 6-11
SN-6	EPE’s Response to CEP 3-13
SN-7	EPE’s Responses to CEP 3-8 and CEP 5-13
SN-8	EPE’s Response to CEP 2-24
SN-9	EPE’s Response to CEP 1-14, Att. 5
SN-10	Estimate of Newman 5 Forced Outage Impact on EPE’s OSS Margins
SN-11	Average Newman 5 Generation During Off-Peak Months
SN-12	CEP’s Adjustments to EPE’s Reconcilable Fuel Balance for Replacement Energy Costs of Newman 5 Forced Outages
SN-13	EPE’s Response to CEP 2-12
SN-14	EIA U.S. Nuclear Plant Capacity Factor Performance
SN-15	Palo Verde vs. U.S. Nuclear Average Capacity Factor Performance
SN-16	Affidavit of Norman J. Gordon on Rate Case Expense

1
2 **I. INTRODUCTION**
3

4 **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

5 A. My name is Scott Norwood. I am President of Norwood Energy Consulting, L.L.C. My
6 business address is 4700 N. Capital of Texas Highway, Austin, Texas 78746.
7

8 **Q. WHAT IS YOUR OCCUPATION?**

9 A. I am an energy consultant specializing in the areas of electric utility regulation, resource
10 planning and energy procurement.
11

12 **Q. PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND**
13 **PROFESSIONAL EXPERIENCE.**

14 A. I have over 37 years of experience in the electric utility industry. After graduating from
15 the University of Texas in 1980 with a Bachelor of Science degree in electrical
16 engineering, I began my career as a power plant engineer for the City of Austin's Electric
17 Utility Department where I was responsible for electrical maintenance and design
18 projects for the City's three gas-fired power plants. In January 1984, I joined the staff of
19 the Public Utility Commission of Texas ("PUCT" or "Commission") as Manager of
20 Power Plant Engineering. In that capacity, I was responsible for addressing resource
21 planning, fuel and purchased power cost issues presented in regulatory filings before the
22 Texas Commission. In 1986, I joined GDS Associates, Inc., a Marietta, Georgia-based
23 consulting firm that specializes in electric utility regulatory consulting and resource

1 planning. I was elected a Principal of GDS in 1990 and directed the firm's Deregulation
2 Services Department until January 2004, when I left GDS to form Norwood Energy
3 Consulting, LLC. The focus of my current consulting practice is electric utility
4 regulatory consulting. Exhibit SN-1 provides a more detailed summary of my
5 background and experience.
6

7 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS CASE?**

8 A. I am testifying on behalf of the City of El Paso ("City").
9

10 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PUCT?**

11 A. Yes. I have testified in numerous past regulatory proceedings before the Commission
12 during my 31 years as a regulatory consultant and as a former member of the Commission's
13 Staff. I have participated in many past El Paso Electric Company ("EPE" or "Company")
14 base rate and fuel reconciliation cases, including PUCT Docket Nos. 30143, 34695, 37690,
15 38361, 40094, 41852, and 46308 (EPE's last fuel reconciliation case). I also have testified
16 in over 200 regulatory proceedings involving base rate, fuel, and power plant certification
17 matters before state regulatory commissions in 15 states, including Arkansas, Florida,
18 Georgia, Illinois, Iowa, Michigan, Missouri, New Jersey, Louisiana, Ohio, Oklahoma,
19 Texas, Virginia, Washington and Wisconsin.
20

21 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

1 A. The purpose of my testimony is to address the reasonableness of EPE's request for final
2 reconciliation of fuel and purchased power expenses incurred over the 36-month period
3 ending March 31, 2019.

4
5 **Q. HAVE YOU PREPARED ANY EXHIBITS TO SUPPORT YOUR TESTIMONY?**

6 A. Yes. I have prepared 16 exhibits, which are attached to my testimony.
7

8 **II. SUMMARY OF TESTIMONY**
9

10 **Q. PLEASE SUMMARIZE YOUR TESTIMONY AND RECOMMENDATIONS.**

11 A. EPE is requesting authority to reconcile \$363 million of Texas retail fuel and purchased
12 power expense and \$381 million of Texas fuel factor revenues incurred over the 36-
13 month reconciliation period ending March 31, 2019. My primary conclusions and
14 recommendations regarding the Company's requested Texas retail reconcilable fuel and
15 purchased power expenses are as follows:
16

17 1) An extraordinary 508-day steam turbine forced outage at EPE's Newman 5
18 combined cycle generating facility, which began on July 10, 2016 and
19 continued until November 29, 2017, was caused by control system design and
20 testing errors by EPE's contractors.
21

22 2) EPE's \$4.0 million estimate of replacement energy costs due to the Newman 5
23 steam turbine forced outages understates replacement costs of the outage by

1 ignoring replacement costs in certain off-peak months, by excluding the
2 impact of the outage on off-system sales margins, and by inexplicably
3 ignoring replacement energy costs during October and November of 2017
4 when the unit remained out of service.

5
6 3) I recommend that EPE's requested Texas Retail fuel and purchased power
7 expenses be reduced by \$17.7 million to adjust for the errors in the
8 Company's replacement power cost calculation for the Newman 5 forced
9 outage. This recommendation increases EPE's reconciliation period ending
10 fuel balance from an over-recovery of approximately \$12.1 million requested
11 by the Company, to an over-recovery of approximately \$29.8 million.

12
13 4) If the Commission adopts my recommended adjustment to remove the
14 Newman 5 forced outage replacement energy costs from EPE's reconcilable
15 fuel balance, I further recommend that the company's request to carry over the
16 ending fuel recovery balance to the next fuel reconciliation proceeding be
17 denied, and that EPE be ordered to file an application within 30 days of the
18 final order in this case to refund the resultant over-recovery balance to its
19 customers. This recommendation reflects the fact that EPE's over-recovery
20 balance with the Newman 5 replacement energy cost disallowance I
21 recommend, would be approximately \$29.8 million, which is just over 23% of
22 EPE's average annual fuel expense in the reconciliation period.
23

1 5) There is no justification for continuing EPE's Palo Verde Performance
2 Standards program. The average capacity factor of the Palo Verde units has
3 been 92.3% over the last 10 years, and EPE has received more than \$17.1
4 million of performance rewards and no financial penalties during this period.
5 EPE has limited ability to influence operations of the Palo Verde units. The
6 Palo Verde Joint Operating Agreement designates Arizona Public Service
7 Company ("APS) as Operating Agent, with sole authority over operations of
8 the Palo Verde units. None of the other co-owners of Palo Verde have
9 Performance Standards, and EPE does not have Palo Verde Performance
10 Standards in any jurisdiction it serves other than Texas.

11
12 6) I recommend that EPE's Palo Verde Performance Standards be terminated
13 effective with the final order in this proceeding.

14
15 In addition, my testimony addresses the reasonableness of the City's rate case
16 expenses in this case, which meet the Commission's historical standards for recovery and
17 reasonableness.

18
19 **III. DESCRIPTION OF EPE'S APPLICATION**

20
21 **Q. PLEASE DESCRIBE EPE'S APPLICATION FOR AUTHORITY TO**
22 **RECONCILE FUEL AND PURCHASED POWER COSTS.**

1 A. EPE's Application in this case requests authority to reconcile \$363.0 million of Texas
2 Retail eligible fuel and purchased power costs and \$381.0 million of Texas fuel factor
3 revenues recovered over the 36-month Reconciliation Period of April 2016 through
4 March 2019.¹ The Company's Application indicates that after including the ending
5 balance from the last reconciliation period, and making necessary adjustments to include
6 interest and the \$7.4 million total performance rewards it seeks to recover under the Palo
7 Verde Performance Standards program, EPE is left with a net reconciliation period
8 ending over-recovery balance of \$12.1 million.²

9
10 **Q. WHAT SPECIFIC RELIEF IS EPE SEEKING IN THIS CASE?**

11 A. EPE's Application requests that the Commission grant the following relief:³
12 (1) reconcile EPE's fuel and fuel-related expenses and revenues for the period April 1,
13 2016, through March 31, 2019;
14 (2) grant EPE's request to carry over the cumulative Reconciliation Period fuel over-
15 recovery balance into the subsequent reconciliation period beginning April 1, 2019;
16 (3) grant EPE's request for a prudence finding for each of the fuel-related contracts
17 ~~[EPE]~~ and arrangements entered or modified during the Reconciliation Period listed in
18 Appendix C;
19 (4) approve proposed application of refunds and surcharges for Community Solar
20 customers;
21 (5) approve EPE's recovery of reasonable rate case expenses;
22 (6) approve EPE's proposed line loss factors;
23 (7) approve the form of notice accompanying this Petition as Appendix D;
24 (8) enter a protective order consistent with Schedule FR-22; and

¹ See Application, pages 1-2.

² See Application, page 2.

³ See Application, pages 5-6.

(9) grant EPE other and further relief to which it is entitled.

Q. WHAT IS THE STANDARD FOR DETERMINING WHETHER EPE'S APPLICATION FOR FINAL RECONCILIATION OF FUEL AND PURCHASED POWER EXPENSES SHOULD BE APPROVED?

A. 16 Tex. Admin. Code § 25.236(d) provides that:

(1) In a proceeding to reconcile fuel factor revenues and expenses, an electric utility has the burden of showing that:

(A) its eligible fuel expenses during the reconciliation period were reasonable and necessary expenses incurred to provide reliable electric service to retail customers;

(B) if its eligible fuel expenses for the reconciliation period included an item or class of items supplied by an affiliate of the electric utility, the prices charged by the supplying affiliate to the electric utility were reasonable and necessary and no higher than the prices charged by the supplying affiliate to its other affiliates or divisions or to unaffiliated persons or corporations for the same item or class of items; and

(C) it has properly accounted for fuel-related revenues collected pursuant to the fuel factor during the reconciliation period.

Q. HAVE YOU IDENTIFIED ANY UNREASONABLE, UNNECESSARY OR IMPROPERLY ACCOUNTED FOR EPE FUEL OR PURCHASED POWER EXPENSES DURING THE RECONCILIATION PERIOD?

A. Yes. As explained in the following sections of my testimony, EPE's proposed reconcilable fuel and purchased power balance in this case includes unreasonable and