

ATTACHMENT D
GORDON DECLARATION

**SOAH DOCKET NO. 473-19-3702
PUC DOCKET NO. 49395**

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY TO	§	OF
RECONCILE FUEL COSTS	§	ADMINISTRATIVE HEARINGS

DECLARATION OF NORMAN J. GORDON

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

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 Affidavit. 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.

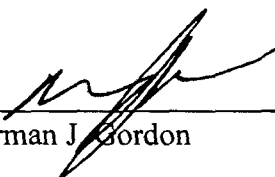
2. I am an attorney licensed in the States of Texas and Illinois, and numerous federal courts. I received my undergraduate degree law degrees from University of Illinois at Urbana-Champaign. Since completing my military obligation with the Judge Advocate General's Corps of the United States Army in 1974, I have been in private practice of law in El Paso. 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 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 also filed testimony on rate case expense issues before the Railroad Commission of Texas. I have testified as an expert witness on rate case expenses 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 am a sole practitioner, opening my firm in February 2019. Prior my current firm, I was a shareholder in the El Paso firm of Mounce, Green Myers, Safi, Paxson & Galatzan, A Professional Corporation, in El Paso from 2003-2019. Prior to that time my private practice was with the El Paso law firm of Diamond Rash Gordon & Jackson, P.C., where I was a shareholder.

4. The City of El Paso ("City") engaged me to act as outside counsel for it in this case Docket 49395, SOAH Docket No. 473-19-3702.
5. In connection with the case, my firm incurred through May 15, 2019, \$3,045 in fees and \$85.40 of expenses for a total of \$3,130.40. The amounts billed included my time at \$350 per hour. I am familiar with the rates charged by other attorneys performing similar services. My rate is consistent with or less than rates charged by other attorneys performing similar services, especially considering the experience and nature of the issues in this case. The work remaining in the case is mostly complete pending finalization of a Stipulation and related documents and the Commission's consideration of the settlement. The expenses charged to date were for overnight delivery. There was no first-class travel or travel by private airplane, no luxury expenses and no meals charged. All travel and delivery expenses were charged at cost. Copy expenses will be billed at \$0.10 per page. The expenses of my firm were reasonable.
6. All of the work done by my firm 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. There instances in which more than 12 hours were billed. The expenses incurred were all reasonable and necessary for the presentation and prosecution of the City's case.
8. In addition to the expenses identified above in the, I estimate that there will be additional time required to complete the case including, review of testimony and statements of position of other parties, and, if necessary, a hearing, and related briefing.

Further Declarant Says Not.

Executed this 16th day of May 2017.



Norman J. Gordon

ATTACHMENT E
RESPONSE TO CEP RFI 1-3

SOAH DOCKET NO. 473-19-3702
PUC DOCKET NO. 49395

APPLICATION OF EL PASO ELECTRIC	§	PUBLIC UTILITY COMMISSION
COMPANY FOR APPROVAL OF A	§	
DISTRIBUTION COST RECOVERY	§	OF TEXAS
FACTOR	§	

EL PASO ELECTRIC COMPANY'S RESPONSE TO
CITY OF EL PASO'S FIRST REQUEST FOR INFORMATION
QUESTION NOS. CEP 1-1 THROUGH CEP 1-8

CEP 1-3:

Refer to the Direct Testimony of EPE witness Doyle, WP RCD-3. Regarding project DT-065, Texas Distribution Damage Blanket, each work order is described as TX CAPITAL EMERGENCY followed by a code (such as 020). Please provide a description of each of the codes listed.

RESPONSE:

The last three digits of each Texas Capital Emergency workorder represent the taxing entities in which the capital improvements were made. A listing of the taxing entities and their descriptions included in WP RCD-3 follows. The codes are split by county, within each county the codes identify the school district first. Secondly, they describe whether it is within the city or other taxing entity:

EL PASO COUNTY

011	Anthony-Inside the City of Anthony
020	Clint-Inside the City of Clint
021	Clint-Inside the Water District
022	Clint-Outside the Water District
024	Clint-Inside Homestead Meadows Water District
025	Clint-Horizon Inside City of Horizon & Inside Water District
026	Clint-Inside the City of Socorro
031	Fabens-Inside the Fabens Water District
032	Fabens-Outside the Fabens Water District
042	San Elizario
051	El Paso-Inside the City of El Paso
052	El Paso-Outside the City of El Paso (Military)
061	Socorro-Inside the Water District
062	Socorro-Outside the Water District
063	Socorro-Inside the City of El Paso
064	Socorro-Inside the City of Socorro

EL PASO COUNTY

066 Socorro-Inside the City Horizon
072 Tornillo
081 Canutillo-Inside the City of El Paso
082 Canutillo-Outside the City of El Paso
091 Ysleta-Inside the City of El Paso
102 Westway Water District

CULBERSON COUNTY

151 Van Horn-Inside the City of Van Horn
152 Culberson-Outside the City of Van Horn

HUDSPETH COUNTY

302 Sierra Blanca
314 Allamore
322 Fort Hancock-Outside Ft Hancock Municipal Water District

Preparer: Larry Hancock

Title: Manager-Plant Accounting

Sponsor: R. Clay Doyle

Title: Vice President-Transmission and
Distribution

KJN WORKPAPER
SCHEDULE A

Schedule A

Docket 49395
KJN Workpaper
City of EL Paso

SCHEDULE A
PAGE 1 OF 1

Distribution Cost Recovery Factor El Paso Electric Company Update Period 09/30/2016 - 12/31/2018									
Line No.	Description	Total Company Distribution				Texas Retail Jurisdiction			
		Total Approved Docket No 46831 Final Order (1)	Annual Change (2)	Revenue Requirement (3) = (1) + (2)	Reference Schedule	Total Approved Docket No 46831 Final Order (4)	Annual Change (5)	Revenue Requirement (6) = (4) + (5)	Reference Schedule
1	Operation & Maintenance , including (A&G)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2	Depreciation and Amortization	29,548,103	3,576,566	33,124,670	E-1	15,910,465	2,225,291	18,135,756	E-1
3	Taxes Other Than Income Taxes	7,375,657	1,475,638	8,851,295	E-2	5,113,791	1,123,596	6,237,387	E-2
4	Federal Income Tax	9,015,717	985,001	10,000,718	E-3	6,261,087	751,508	7,012,595	E-3
5	Return on Rate Base	51,150,147	6,594,413	57,744,561	B	34,938,388	5,210,469	40,148,857	B
6	Total Revenue Requirement	97,089,625	12,631,618	109,721,243		62,223,730	9,310,864	71,534,594	
7	Other Revenues	0	N/A	0	N/A	0	N/A	0	N/A
8	Total	\$97,089,625	\$12,631,618	\$109,721,243		\$62,223,730	\$9,310,864	\$71,534,594	

Amounts may not add or tie to other schedules due to rounding

As Filed: \$ 10,334,069

Difference: **\$ 1,023,205**

Docket No. 49148



Control Number: 49148



Item Number: 46

Addendum StartPage: 0

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PUBLIC UTILITY COMMISSION
FILING CLERK

SOAH DOCKET NO. 473-19-2303
DOCKET NO. 49148

APPLICATION OF EL PASO ELECTRIC § BEFORE THE STATE OFFICE
COMPANY FOR TRANSMISSION § OF
COST RECOVERY FACTOR § ADMINISTRATIVE HEARINGS

EL PASO ELECTRIC COMPANY'S RESPONSE TO
CITY OF EL PASO'S SECOND REQUEST FOR INFORMATION
QUESTION NOS. CEP 2-1 THROUGH CEP 2-5

CEP 2-2:

Refer to the response to CEP 1-6. Please provide all documents, notes, calculations, assumptions or other materials supporting the conclusion that "the costs to El Paso Electric Company ("EPE") was in the range of the other utilities' experience."

RESPONSE:

El Paso Electric Company provided all documents, notes, calculations, assumptions or other materials supporting the conclusion in its response to CEP 1-6.

Preparer: Randal Harlas

Title: Manager-Technical Assistant

Sponsor: R. Clay Doyle

Title: Vice President-Transmission and
Distribution

46

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PUC DOCKET NO. 49148

PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF EL PASO
ELECTRIC COMPANY FOR A
TRANSMISSION COST RECOVERY
FACTOR

§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DIRECT TESTIMONY

OF

KARL J. NALEPA

ON BEHALF OF

THE CITY OF EL PASO

APRIL 16, 2019

**DIRECT TESTIMONY OF
KARL J. NALEPA**

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SCHEDULES

KJN-1	Recommended Revenue Requirement With \$0 ROW Payment
KJN-2	Alternative Revenue Requirement With \$6.1 Million ROW Payment
KJN-3	Alternative Land Value Calculations

ATTACHMENTS

Attachment A	Statement of Qualifications
Attachment B	Summary of Previously Filed Testimony
Attachment C	Responses to Requests for Information

**DIRECT TESTIMONY OF
KARL J. NALEPA**

I. INTRODUCTION AND QUALIFICATIONS

1 **Q. PLEASE STATE YOUR NAME, OCCUPATION AND ADDRESS.**

2 A. My name is Karl J. Nalepa. I am the President of ReSolved Energy Consulting, LLC
3 (“REC”), an independent utility consulting company. My business address is 11044
4 Research Blvd., Suite A-420, Austin, Texas 78759.

5 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**
6 **PROFESSIONAL EXPERIENCE.**

7 A. I have been a partner in REC since July 2011, but joined R.J. Covington Consulting,
8 its predecessor firm, in June 2003. I lead our firm’s regulated market practice, where
9 I represent the interests of clients in utility regulatory proceedings, prepare client cost
10 studies and develop client regulatory filings. Before that, I served for more than five
11 years as an Assistant Director with the Railroad Commission of Texas (“RCT”). In
12 this position, I was responsible for overseeing the economic regulation of natural gas
13 utilities in Texas. Prior to that, I spent five years as a supervising consultant with
14 Resource Management International, Inc., then as an independent consultant, advising
15 clients on a broad range of electric and natural gas industry issues. I also served four
16 years as a Fuels Analyst with the Public Utility Commission of Texas (“PUC”), where
17 I evaluated fuel issues in electric utility rate filings, participated in rulemaking
18 proceedings, and contributed to the review of utility resource plans. My professional
19 career began with eight years in the reservoir engineering department of Transco
20 Exploration Company, which was an affiliate of Transco Gas Pipeline Company, a
21 major interstate pipeline company.

1 I hold a Master of Science degree in Petroleum Engineering from the University
2 of Houston, a Bachelor of Science degree in Mineral Economics from the Pennsylvania
3 State University, and am a certified mediator. My Statement of Qualifications is
4 included as Attachment A.

5 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?**

6 A. Yes, I have testified many times before both the PUC and the RRC on a variety of
7 regulatory issues. A summary of my previously filed testimony is provided as
8 Attachment B. In addition, I supervised the staff case in proceedings before the RRC
9 and served as a Technical Rate Examiner on behalf of the RRC. I have also provided
10 analysis and recommendations in numerous city-level regulatory proceedings that
11 resulted in settlements without written testimony.

12 **Q. ON WHOSE BEHALF ARE YOU OFFERING TESTIMONY IN THIS**
13 **PROCEEDING?**

14 A. I am offering testimony on behalf of the City of El Paso ("CEP").
15

16 **II. PURPOSE AND SCOPE**

17 **Q. WHAT IS EL PASO ELECTRIC COMPANY REQUESTING IN THIS**
18 **PROCEEDING?**

19 A. This is El Paso Electric Company's ("EPE" or "Company") first application for a
20 Transmission Cost Recovery Factor ("TCRF"). The TCRF is intended to recover costs
21 associated with EPE's claimed incremental transmission-related investment since its
22 last rate case in Docket No. 46831.¹ The test year in that proceeding was the twelve

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

1 months ending September 30, 2016 and the test period in this TCRF filing ended
2 September 30, 2018.² The Company is requesting that the Commission approve the
3 TCRF requested in its application and approve the proposed corrected baseline for use
4 in this and future TCRF proceedings.

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

6 A. The purpose of my testimony is to evaluate whether the costs proposed for inclusion in
7 the TCRF and the resulting TCRF rates are consistent with the requirements of the
8 TCRF rule.

9
10 **III. SUMMARY AND RECOMMENDATIONS**

11 **Q. PLEASE SUMMARIZE THE RESULTS OF YOUR ANALYSIS.**

12 A. I found that EPE's proposed TCRF calculation includes A \$16.8 million ROW renewal
13 payment the Company was unable to support and therefore is imprudent.

14 **Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS REGARDING**
15 **SWEPCO'S PROPOSED TCRF.**

16 A. I recommend that the \$16.8 million ROW renewal payment be removed from the TCRF
17 revenue requirement calculation. The impact is a reduction in the Texas retail revenue
18 requirement of approximately \$1.22 million.

19 In the alternative, in the event the Commission determines that some level ROW
20 payment is appropriate, I recommend that a current land value be imputed for the ROW
21 renewal payment. Based on current land offers, I recommend a value of \$6.1 million

² Application at 3.

1 be substituted for the ROW payment. The impact is a reduction in the Texas retail
2 revenue requirement of approximately \$0.78 million.
3

4 **IV. TRANSMISSION COST RECOVERY FACTOR**

5 **Q. WHAT IS A TRANSMISSION COST RECOVERY FACTOR?**

6 A. A transmission cost recovery factor ("TCRF") was authorized by the Commission in
7 its Order in Project No. 33253 to allow a utility to adjust its rates for incremental
8 changes in certain transmission-related costs. The resulting rule (16 Tex. Admin. Code
9 § 25.239) allows a utility to change its rates on an annual basis to account for changes
10 in return, depreciation and taxes on its incremental transmission invested costs ("TIC"),
11 plus its approved transmission charges ("ATC") not otherwise being recovered in rates.

12 **Q. WHAT IS THE IMPACT OF THE COMPANY'S REQUEST IN THIS**
13 **PROCEEDING?**

14 A. The Company's proposed TCRF as filed would increase Texas retail rates by
15 \$8,156,570 on an annual basis.³ The increase is based on a \$7,689,052 increase in costs
16 associated with EPE's incremental TIC, plus \$467,518 increase in incremental ATC
17 costs.

18 **Q. HAS EPE REVISED ITS REQUEST?**

19 A. Yes. Since it filed its application, EPE identified several errors in the filing, which
20 reduce its overall request by \$67.154.
21

³ Direct Testimony of Jennifer Borden, Exhibit JIB-1.

1 V. **PUEBLO OF ISLETA LAND RIGHTS RENEWAL**

2 **Q. WHAT ARE YOU ADDRESSING IN THIS SECTION OF YOUR**
3 **TESTIMONY?**

4 A. I am addressing the Company's request to include \$16,824,750 in transmission plant
5 in service for the Pueblo of Isleta land rights renewal.⁴

6 **Q. WHY ARE YOU ADDRESSING THESE COSTS?**

7 A. The TCRF Rule states that the Commission may allow an electric utility to recover its
8 reasonable and necessary costs for transmission infrastructure improvement in a
9 TCRF.⁵ If a cost is not reasonable and necessary, it cannot be included in the TCRF.

10 **Q. WHAT IS THE NATURE OF THESE COSTS?**

11 A. EPE's Arroyo – West Mesa 345kW transmission line crosses the Pueblo of Isleta
12 Reservation property near Los Lunas, New Mexico. The overall length of the
13 transmission line is 202 miles and approximately 8.4 miles of the line is located on a
14 100-foot-wide right of way ("ROW") easement on tribal land. At the time of the
15 construction of this line in 1967, EPE entered into a fifty-year ROW agreement with
16 the Pueblo of Isleta, which expired in 2017. The subject project is the renewal of that
17 ROW agreement with the Pueblo. The term of the new ROW agreement for this portion
18 of the Arroyo – West Mesa line is twenty-five years.⁶

19 **Q. WHAT WAS THE LAND RIGHTS PAYMENT UNDER THE ORIGINAL ROW**
20 **AGREEMENT?**

⁴ Direct Testimony of R. Clay Doyle, Exhibit RCD-1.

⁵ 16 TAC § 25.239(c).

⁶ *Id.* at 16.

1 A. The original land rights payment was \$4,398.75.⁷

2 **Q. DID EPE EXPLAIN THE SUBSTANTIAL INCREASE IN THE ROW**
3 **RENEWAL PAYMENT?**

4 A. Not in my opinion. CEP asked for a detailed description of the review and approval
5 process conducted by EPE, and then asked for the complete file regarding the
6 transaction. All the Company could provide in response was an undated six-page Power
7 Point presentation purported to be the basis for the EPE Board of Director's decision
8 to approve the ROW renewal agreement.⁸

9 **Q. WHAT SUPPORT FOR THE PAYMENT WAS REFLECTED IN THE**
10 **PRESENTATION?**

11 A. The Company provided a copy of a Wall Street Journal article containing third party
12 ROW information.⁹

13 **Q. DID THE COMPANY PROVIDE ANY OTHER SUPPORT FOR THE ROW**
14 **PAYMENT?**

15 A. EPE witness Doyle testified that the cost paid for the ROW was reasonable in light of
16 similar agreements entered into by other utilities.¹⁰ But when asked for the information
17 gathered from other utilities, EPE responded that information gathered about other
18 utilities was gathered through verbal conversations and was not documented.¹¹

⁷ Response to CEP RFI 1-3.

⁸ Response to CEP RFI 1-4, Attachment 1 (Confidential) and response to CEP RFI 1-5.

⁹ Response to CEP RFI 1-6.

¹⁰ Direct Testimony of R. Clay Doyle at 17.

¹¹ Response to CEP RFI 1-6 and response to CEP RFI 2-2.

1 **Q. DID THE COMPANY CONSIDER OTHER OPTIONS PRIOR TO RENEWAL**
2 **OF THE ROW AGREEMENT?**

3 A. The Company claimed it did consider other options instead of renewing the ROW
4 agreement, including:¹²

- 5 • Acquisition of the ROW through condemnation was considered but EPE asserted
6 it had no legal basis to do so on tribal lands;
- 7 • Abandoning the ROW was considered but was determined to have a negative
8 impact on the system and on transmission revenues:
 - 9 a. Import capability would be reduced from 1,040 MW to 520 MW
 - 10 b. Peak load serving capability would be reduced to 1,600 MW and EPE could
11 not meet its peak transmission planning standards, and
 - 12 c. Service agreements would require renegotiation and annual transmission
13 revenues would be reduced.
- 14 • Rerouting the line was considered but would be more costly than renewing the
15 agreement. EPE estimated that the shortest rebuild path around the Pueblo tribal
16 lands would require construction of a new 29.7-mile line and require five to seven
17 years to acquire all of the state, federal, tribal, and private land ROW agreements
18 to begin construction of the new line. And using a \$1 to \$1.5 million per mile cost
19 estimate results in a replacement cost of \$29.7 million to \$44.6 million.

20 **Q. WHAT SUPPORT DID EPE PROVIDE FOR THESE OTHER OPTIONS?**

21 A. Other than the statements of Mr. Doyle, the complete file on the review and approval
22 process of the ROW payment consisted of the Power Point presentation previously
23 described.¹³

24 **Q. DID THE COMPANY PROVIDE ANY LEGAL ANALYSIS OF ITS ABILITY**
25 **TO CONDEMN THE TRIBAL LANDS ROW?**

26 A. No.

¹² Direct Testimony of R. Clay Doyle at 16-17.

¹³ Response to CEP RFI 2-1.

1 **Q. DID THE COMPANY PROVIDE ANY ANALYSIS SUPPORTING ITS**
2 **ESTIMATE OF THE IMPACT OF ABANDONING THE LINE ON IMPORT**
3 **CAPABILITY OR MEETING PEAK LOAD REQUIREMENTS?**

4 A. No.

5 **Q. DID THE COMPANY PROVIDE ANY ANALYSIS SUPPORTING ITS**
6 **ESTIMATE OF THE IMPACT OF ABANDONING THE LINE ON THE LOSS**
7 **OF TRANSMISSION REVENUES?**

8 A. No.

9 **Q. DID THE COMPANY PROVIDE ANY ANALYSIS SUPPORTING ITS**
10 **ESTIMATE OF THE COST OF REROUTING THE LINE?**

11 A. No.

12 **Q. YOU TESTIFIED THAT IF A COST IS NOT REASONABLE AND**
13 **NECESSARY IT CANNOT BE INCLUDED IN THE TCRF. HOW SHOULD**
14 **“REASONABLE AND NECESSARY” BE MEASURED?**

15 A. A cost that is “reasonable and necessary” meets the prudence standard. Conversely, a
16 cost that is not prudent cannot be “reasonable and necessary.”

17 **Q. HAS THE COMMISSION RELIED ON AN ESTABLISHED PRUDENCE**
18 **STANDARD IN THE PAST?**

19 A. Yes. The Commission has relied on the *Gulf States* decision as the prudence standard
20 by which EPE’s claimed ROW payment should be measured. The *Gulf States* decision
21 arose from a fuel reconciliation proceeding.

22 **Q. PLEASE SUMMARIZE THE GULF STATES DECISION.**

1 A. In *Gulf States*,¹⁴ the Austin Court of Appeals has articulated the ultimate standard to be
2 applied in reviewing the prudence of a utility. The Court adopted the following
3 definition of “prudence”:

4 *Prudence is the exercise of that judgment and the choosing of that select*
5 *range of options which a reasonable utility manager would exercise or*
6 *choose in the same or similar circumstances given the information or*
7 *alternatives at the point in time such judgment is exercised or option is*
8 *chosen.*

9 The Court noted that prudent decision-making may be demonstrated in one of two
10 ways: “[T]o recover costs in rates, a utility may show either that its decision making
11 process was prudent, or that the same decision is in the select range of options that
12 would have resulted had prudent decision making been employed.”¹⁵ The first method
13 (i.e., showing that its decision-making was prudent) requires the utility to present
14 contemporaneous documentation of the decision-making process, “thereby enabling
15 the Commission to *review the actual investigations and analyses* leading to the utility’s
16 decision.”¹⁶ EPE provided no contemporaneous documentation.

17 In the absence of contemporaneous documentation, the utility must show that it
18 has performed a retrospective analysis. Such an after-the-fact justification is subject to
19 “rigorous review” as it “impedes the Commission’s ability to determine whether the
20 utility conducted a reasoned investigation of all relevant factors and alternatives before
21 reaching its decision. Therefore, through independent retrospective analyses, the utility
22 must demonstrate that a reasonable utility manager, *having investigated all relevant*
23 *factors and alternatives as they existed at the time the decision was made*, would have

¹⁴ *Gulf States Utilities Co. v. Public Utility Comm’n of Texas* 841 S.W.2d 459, 474-476 (Tex. App.-Austin 1992, writ denied).

¹⁵ *Ibid* at 475-476.

¹⁶ *Id.*, at 476 (emphasis added).

1 found the utility's actual decision a reasonably prudent course."¹⁷ EPE provided no
2 retrospective analysis. The burden is on the utility to establish the prudence of its
3 decisions and is *not* the burden of other parties to show the utility was imprudent.¹⁸

4 **Q. CAN YOU POINT TO ANOTHER APPLICATION OF THE PRUDENCE**
5 **STANDARD?**

6 A. Yes. In Docket No. 6350, EPE had to address the prudence issue as part of a request
7 for construction work in progress in rate base.¹⁹ The Examiner's Report addressed in
8 great detail the prudence and efficiency of EPE's planning and management pertaining
9 to its initial and continuing decisions to participate in the Palo Verde Nuclear
10 Generating Station ("PVNGS") and the prudence and efficiency of the planning and
11 management at the PVNGS project itself.²⁰

12 **Q. WHAT DID THE EXAMINER FIND?**

13 A. The Examiner found that the record in that docket did not support a finding that EPE's
14 initial decision to become involved with PVNGS was the result of prudent and efficient
15 planning and management on the part of EPE. The Company witness' testimony was
16 "threadbare" on this issue, and based upon the evidence presented concerning EPE's
17 decision to participate in PVNGS, the Examiner was unable to conclude that that
18 decision was predicated by the type of reasoned and careful analysis one would expect

¹⁷ *Id.* (emphasis added).

¹⁸ See, *Coalition of Cities for Affordable Utility Rates v. Public Utility Comm'n of Texas*, 798 S.W.2d 560, 563 (Tex. 1990).

¹⁹ Tex. Util. Code §36.054(b).

²⁰ Docket No. 6350, *Application of El Paso Electric Company for Authority to Change Rates*, Examiner's Report at 23 (January 9, 1986).

1 prudent management to undertake before committing a business to a financial venture
2 of such magnitude as PVNGS.²¹

3 The Examiner also found that EPE failed to demonstrate that the Company's
4 continued involvement in PVNGS at a 15.8 percent ownership level was prudent. As
5 in the case of the Company's witness' testimony regarding the initial decision to
6 participate in PVNGS, his testimony regarding EPE's continued participation at a 15.8
7 percent level was also sparse. The Examiner observed that that Company witness relied
8 almost entirely on a number of studies as support for the prudence of EPE's continued
9 involvement in PVNGS at the Company's originally subscribed level.²² The Examiner
10 found that the studies suffered from numerous analytical deficiencies, and the record
11 did not reflect that EPE's management critically evaluated those studies. The Examiner
12 further concluded that the Company seemed to have had only minimal interest in
13 questioning, analyzing, discussing, or verifying the results of those various studies.²³

14 **Q. HOW DO THE FINDINGS OF THE *GULF STATES* DECISION AND DOCKET**
15 **NO. 6350 EXAMINER'S REPORT APPLY TO THE ROW RENEWAL**
16 **PAYMENT IN THIS PROCEEDING?**

17 A. In order to establish prudence a utility must provide contemporaneous documentation
18 or a rigorous retrospective analysis demonstrating the decision-making of management
19 to support a utility decision that affects ratepayers was reasonable. In the case of the
20 \$16.8 million ROW renewal payment, EPE was unable to provide any documentation
21 supporting its decision. If EPE negotiated at all with the Pueblo, it should have retained

²¹ *Id.* at 23.

²² *Id.* at 25.

²³ *Id.* at 31-32.

1 related documents such as offers and counter offers. If EPE had no ability to negotiate,
2 it should have made it a priority to document its conversations with other utilities about
3 their experiences in negotiating ROW payments.

4 **Q. HOW SHOULD THE ALTERNATIVES TO RENEWING THE ROW**
5 **AGREEMENT DESCRIBED BY EPE BE TAKEN INTO CONSIDERATION?**

6 A. Despite that fact that the cost of the alternatives was also unsupported by EPE, the
7 alternatives tended to show that renewing the ROW agreement could be a better
8 alternative. However, that made it even more imperative that EPE be able to document
9 how the payment was determined since it did not have a competitive alternative.

10 **Q. WHAT DO YOU CONCLUDE ABOUT THE ROW RENEWAL PAYMENT?**

11 A. Based on the lack of meaningful documentation supporting the \$16.8 million payment,
12 I conclude that the payment was imprudent and does not meet the reasonable and
13 necessary requirement to be included in the TCRF.

14 **Q. DO YOU HAVE A RECOMMENDATION REGARDING THE PAYMENT?**

15 A. Yes. The ROE renewal payment should be removed from rate base used to determine
16 the TCRF rate.

17 **Q. WHAT IS THE IMPACT OF REMOVING THE ROW RENEWAL PAYMENT**
18 **ON THE TCRF RATE?**

19 A. Removing the ROW renewal payment reduces the TCRF Texas retail revenue
20 requirement by approximately \$1.22 million. This calculation is summarized on
21 Schedule KJN-1.

22 **Q. DO YOU HAVE AN ALTERNATIVE RECOMMENDATION?**

1 A. Yes. In the event the Commission determines that some level ROW payment is
2 appropriate, I recommend as an alternative payment the value of land based on current
3 offers for sale. This would be consistent with how the land would be valued in a
4 condemnation proceeding if one were allowed.

5 **Q. DID YOU DEVELOP SUCH A VALUE?**

6 A. Yes. I researched current parcels of undeveloped land for sale in Valencia and
7 Bernalillo Counties, New Mexico, in which the Pueblo of Isleta sits. I limited my search
8 to parcels 10 acres or greater, recognizing that the EPE ROW comprises 102 acres.²⁴ I
9 identified 50 properties with prices ranging from \$2,384 to \$59,750 per acre. Over the
10 25-year term of the ROW agreement, this equates to \$95 to \$2,390 per acre per year.
11 Using the upper range as a conservative estimate results in a ROW payment of \$6.1
12 million, which is \$10.7 million less than the Company's request. These calculations are
13 summarized on Schedule KJN-3.

14 **Q. WHAT IS THE IMPACT OF REMOVING THE AMOUNT ABOVE THE**
15 **ALTERNATIVE ROW RENEWAL PAYMENT FROM THE TCRF RATE?**

16 A. Removing the amount above the alternative ROW renewal payment reduces the TCRF
17 Texas retail revenue requirement by approximately \$0.78 million. This calculation is
18 summarized on Schedule KJN-2.

19 **Q. DOES THIS COMPLETE YOUR DIRECT TESTIMONY?**

20 A. Yes, it does.

²⁴ Response to CEP RFI 1-3, Attachment 1 at 2.

El Paso Electric Company
TCRF Revenue Requirement Calculation
For the Period Ending September 30, 2018

Line No.	(A) Component	(B)	(C)	(D)	(E)	(F)	(G)
		Total Company Transmission			Texas Retail Transmission		
		Total Company	Revised Total Company	Net Change (B - C)	Updated TCRF Revenue Requirement	Revised TCRF Baseline	Net Change (E - F)
1	TIC:						
2	Transmission Plant in Service	\$487,645,361	\$438,382,402	\$49,262,959	\$390,252,712	\$350,828,563	\$39,424,149
3	Accumulated Depreciation	(226,537,882)	(213,749,980)	(12,787,902)	(181,293,681)	(171,059,782)	(10,233,899)
4	Net Plant in Service	\$261,107,479	\$224,632,422	\$36,475,058	\$208,959,031	\$179,768,780	\$29,190,250
5	Accumulated Deferred Taxes	(62,168,457)	(50,438,255)	(11,730,202)	(48,690,630)	(39,553,139)	(9,137,491)
6	Total Net TIC	\$198,939,023	\$174,194,166	\$24,744,856	\$160,268,401	\$140,215,641	\$20,052,760
7	WACC	7.725%	7.725%		7.725%	7.725%	
8	Return on Net TIC	\$15,368,040	\$13,456,499	\$1,911,540	\$12,380,734	\$10,831,658	\$1,549,076
9	Investment-Related Expenses:						
10	Depreciation Expense	\$7,080,518	\$5,515,786	\$1,564,732	\$5,666,395	\$4,414,172	\$1,252,223
11	Income Tax Expense ^(Note 1)	3,036,822	2,700,186	336,636	2,445,141	2,172,337	272,803
12	Other Associated Taxes	3,711,405	3,056,121	655,284	2,173,538	1,628,110	545,428
13	Revenue Credits	(17,980,948)	(21,458,875)	3,477,927	(14,367,786)	(17,146,845)	2,779,059
14	Total Investment-Related Expenses	(\$4,152,202)	(\$10,186,782)	\$6,034,579	(\$4,082,712)	(\$8,932,226)	\$4,849,514
15	Revreqt (line 8 + line 14)	\$11,215,837	\$3,269,718	\$7,946,120	\$8,298,022	\$1,899,432	\$6,398,590
16	ATC:						
17	Charges and Fees	\$0	\$0	\$0	\$0	\$0	\$0
18	Wheeling Expense	6,963,712	6,379,520	584,193	5,572,918	5,105,400	467,518
19	Other Transmission Charges	0	0	0	0	0	0
20	Total ATC	\$6,963,712	\$6,379,520	\$584,193	\$5,572,918	\$5,105,400	\$467,518
21	RR (line 15 + line 20)	\$18,179,550	\$9,649,237	\$8,530,312	\$13,870,940	\$7,004,833	\$6,866,108
22	Note (1) Income Tax Expense is calculated for Total Company Transmission				Errata Filing		
23	Return on Net TIC	\$15,368,040	Line 8		Difference		
24	Composite cost of debt	0.03059	Baseline				
25	Synchronized interest	\$6,085,545	Line 6 x Line 24				
26	Schedule M Items - Permanent	\$847,979	Baseline				
27	Calculated Federal Taxable Income Attributable to TIC	\$10,130,474	Line 23 - Line 25 + Line 26				
28	Tax Factor	0.291582	Baseline				
29	FIT before adjustments	\$2,953,661	Line 27 x Line 28				
30	Minus Adjustments	(\$83,161)	Baseline				
31	Total Transmission Related FIT	\$3,036,822	Line 29 + Line 30				

El Paso Electric Company
TCRF Revenue Requirement Calculation
For the Period Ending September 30, 2018

Line No.	(A) Component	(B)	(C)	(D)	(E)	(F)	(G)
		Total Company Transmission			Texas Retail Transmission		
		Total Company	Revised Total Company	Net Change (B - C)	Updated TCRF Revenue Requirement	Revised TCRF Baseline	Net Change (E - F)
1	TIC:						
2	Transmission Plant in Service	\$493,745,361	\$438,382,402	\$55,362,959	\$395,134,418	\$350,828,563	\$44,305,855
3	Accumulated Depreciation	(226,537,882)	(213,749,980)	(12,787,902)	(181,293,681)	(171,059,782)	(10,233,899)
4	Net Plant in Service	\$267,207,479	\$224,632,422	\$42,575,058	\$213,840,737	\$179,768,780	\$34,071,957
5	Accumulated Deferred Taxes	(62,168,457)	(50,438,255)	(11,730,202)	(48,690,630)	(39,553,139)	(9,137,491)
6	Total Net TIC	\$205,039,023	\$174,194,166	\$30,844,856	\$165,150,107	\$140,215,641	\$24,934,466
7	WACC	7.725%	7.725%		7.725%	7.725%	
8	Return on Net TIC	\$15,839,265	\$13,456,499	\$2,382,765	\$12,757,846	\$10,831,658	\$1,926,188
9	Investment-Related Expenses:						
10	Depreciation Expense	\$7,080,518	\$5,515,786	\$1,564,732	\$5,666,395	\$4,414,172	\$1,252,223
11	Income Tax Expense ^(Note 1)	3,119,808	2,700,186	419,622	2,511,553	2,172,337	\$339,216
12	Other Associated Taxes	3,711,405	3,056,121	655,284	2,173,538	1,628,110	545,428
13	Revenue Credits	(17,980,948)	(21,458,875)	3,477,927	(14,367,786)	(17,146,845)	2,779,059
14	Total Investment-Related Expenses	(\$4,069,216)	(\$10,186,782)	\$6,117,566	(\$4,016,300)	(\$8,932,226)	\$4,915,926
15	Revreqt (line 8 + line 14)	\$11,770,048	\$3,269,718	\$8,500,331	\$8,741,546	\$1,899,432	\$6,842,114
16	ATC:						
17	Charges and Fees	\$0	\$0	\$0	\$0	\$0	\$0
18	Wheeling Expense	6,963,712	6,379,520	584,193	5,572,918	5,105,400	467,518
19	Other Transmission Charges	0	0	0	0	0	0
20	Total ATC	\$6,963,712	\$6,379,520	\$584,193	\$5,572,918	\$5,105,400	\$467,518
21	RR (line 15 + line 20)	\$18,733,761	\$9,649,237	\$9,084,523	\$14,314,464	\$7,004,833	\$7,309,632
22	^(Note 1) Income Tax Expense is calculated for Total Company Transmission				Errata Filing		\$8,066,418
23	Return on Net TIC	\$15,839,265	Line 8		Difference		(\$770,784)
24	Composite cost of debt	0.03059	Baseline				
25	Synchronized interest	\$6,272,144	Line 6 x Line 24				
26	Schedule M Items - Permanent	\$847,979	Baseline				
27	Calculated Federal Taxable Income Attributable to TIC	\$10,415,100	Line 23 - Line 25 + Line 26				
28	Tax Factor	0.291562	Baseline				
29	FIT before adjustments	\$3,036,647	Line 27 x Line 28				
30	Minus Adjustments	(\$83,161)	Baseline				
31	Total Transmission Related FIT	\$3,119,808	Line 29 + Line 30				

Docket No. 49148
El Paso Electric Company TCRF
Alternative Land Values

Valencia County, NM				Bernalillo County, NM			
Line	Acres	Price	Price per Acre	Acres	Price	Price per Acre	
1	10.00	\$ 597,500	\$ 59,750	12.12	\$ 300,000	\$ 24,752	
2	16.62	\$ 963,960	\$ 58,000	27.07	\$ 540,000	\$ 19,948	
3	16.12	\$ 644,800	\$ 40,000	11.83	\$ 225,000	\$ 19,019	
4	16.12	\$ 564,200	\$ 35,000	10.00	\$ 169,900	\$ 16,990	
5	11.16	\$ 366,177	\$ 32,812	14.81	\$ 249,000	\$ 16,813	
6	33.61	\$ 1,100,000	\$ 32,728	10.00	\$ 149,900	\$ 14,990	
7	36.68	\$ 1,200,000	\$ 32,715	10.34	\$ 140,000	\$ 13,540	
8	107.48	\$ 3,100,000	\$ 28,843	10.00	\$ 135,000	\$ 13,500	
9	38.55	\$ 1,100,000	\$ 28,534	10.00	\$ 125,000	\$ 12,500	
10	10.48	\$ 290,000	\$ 27,672	18.35	\$ 220,000	\$ 11,989	
11	20.00	\$ 500,000	\$ 25,000	25.51	\$ 299,000	\$ 11,721	
12	14.20	\$ 350,000	\$ 24,648	107.62	\$ 1,150,000	\$ 10,686	
13	10.44	\$ 130,000	\$ 12,452	16.63	\$ 169,900	\$ 10,216	
14	28.46	\$ 196,000	\$ 6,887	11.11	\$ 110,000	\$ 9,901	
15	320.00	\$ 1,920,000	\$ 6,000	20.00	\$ 189,000	\$ 9,450	
16	124.37	\$ 746,220	\$ 6,000	16.60	\$ 149,000	\$ 8,976	
17	39.06	\$ 234,360	\$ 6,000	103.00	\$ 860,000	\$ 8,350	
18	50.93	\$ 305,580	\$ 6,000	13.15	\$ 107,830	\$ 8,200	
19	74.74	\$ 444,240	\$ 5,944	37.23	\$ 261,000	\$ 7,010	
20	147.54	\$ 699,500	\$ 4,741	71.21	\$ 450,000	\$ 6,319	
21				16.84	\$ 98,000	\$ 5,819	
22				12.70	\$ 70,000	\$ 5,512	
23				49.34	\$ 220,500	\$ 4,469	
24				61.31	\$ 250,000	\$ 4,078	
25				20.00	\$ 79,000	\$ 3,950	
26				80.00	\$ 250,000	\$ 3,125	
27				141.47	\$ 395,000	\$ 2,792	
28				50.00	\$ 125,000	\$ 2,500	
29				20.00	\$ 50,000	\$ 2,500	
30				314.57	\$ 750,000	\$ 2,384	

31							
32							
33	Acres	Price	Price per Acre	Description			
34	102.0	\$ 16,824,750	\$ 164,949	Requested ROW Payment			
35							
36	102.0	\$ 4,399	\$ 43	Prior ROW Payment			
37	102.0	\$ 32,243	\$ 316	Prior ROW Payment (inflation adjusted)			
38							
39	102.0	\$ 6,094,500	\$ 59,750	ROW Payment @ Highest Price per Acre			
40	102.0	\$ 988,595	\$ 9,692	ROW Payment @ Weighted Avg Price per Acre			
41	102.0	\$ 243,189	\$ 2,384	ROW Payment @ Lowest Price per Acre			
42							

ATTACHMENT A
STATEMENT OF QUALIFICATIONS

KARL J. NALEPA

Mr. Nalepa is an energy economist with more than 35 years of private and public sector experience in the electric and natural gas industries. He has extensive experience analyzing utility rate filings and resource plans with particular focus on fuel and power supply requirements, quality of fuel supply management, and reasonableness of energy costs. Mr. Nalepa developed peak demand and energy forecasts for municipal and electric cooperative utilities and has forecast the price of natural gas in ratemaking and resource plan evaluations. He led a management and performance review of the Texas Public Utility Commission, and has conducted performance reviews and valuation studies of a number of municipal utility systems. Mr. Nalepa previously directed the Railroad Commission of Texas' Regulatory Analysis & Policy Section, with responsibility for preparing timely natural gas industry analysis, managing ratemaking proceedings, mediating informal complaints, and overseeing consumer complaint resolution. He has prepared and defended expert testimony in both administrative and civil proceedings, and has served as a technical examiner in natural gas rate proceedings.

EDUCATION

- 1998 Certificate of Mediation
 Dispute Resolution Center, Austin
- 1989 NARUC Regulatory Studies Program
 Michigan State University
- 1988 M.S. - Petroleum Engineering
 University of Houston
- 1980 B.S. - Mineral Economics
 Pennsylvania State University

PROFESSIONAL HISTORY

- 2003 - ReSolved Energy Consulting
 President and Managing Director
- 1997 – 2003 Railroad Commission of Texas
 Asst. Director, Regulatory Analysis & Policy
- 1995 – 1997 Karl J. Nalepa Consulting
 Principal
- 1992 – 1995 Resource Management International, Inc.
 Supervising Consultant
- 1988 – 1992 Public Utility Commission of Texas
 Fuels Analyst
- 1980 – 1988 Transco Exploration Company
 Reservoir and Evaluation Engineer

AREAS OF EXPERTISE

Regulatory Analysis

Electric Power: Analyzed electric utility rate, certification, and resource forecast filings. Assessed the quality of fuel supply management, and reasonableness of fuel costs recovered from ratepayers. Projected the cost of fuel and purchased power. Estimated the impact of environmental costs on utility resource selection. Participated in regulatory rulemaking activities. Provided expert staff testimony in a number of proceedings before the Texas Public Utility Commission.

As consultant, represent interests of municipal clients intervening in large utility rate proceedings through analysis of filings and presentation of testimony before the Public Utility Commission. Also assist municipal utilities in preparing and defending requests to change rates and other regulatory matters before the Public Utility Commission.

Natural Gas: Directed the economic regulation of gas utilities in Texas for the Railroad Commission of Texas. Responsible for monitoring, analyzing and reporting on conditions and events in the natural gas industry. Managed Commission staff representing the public interest in contested rate proceedings before the Railroad Commission, and acted as technical examiner on behalf of the Commission. Mediated informal disputes between industry participants and directed handling of customer billing and service complaints. Oversaw utility compliance filings and staff rulemaking initiatives. Served as a policy advisor to the Commissioners.

As consultant, represent interests of municipal clients intervening in large utility rate proceedings through analysis of filings and presentation of testimony before the cities and Railroad Commission. Also assist small utilities in preparing and defending requests to change rates and other regulatory matters before the Railroad Commission.

Litigation Support

Retained to support litigation in natural gas contract disputes. Analyzed the results of contract negotiations and competitiveness of gas supply proposals considering gas market conditions contemporaneous with the period reviewed. Supported litigation related to alleged price discrimination related to natural gas sales for regulated customers. Provided analysis of regulatory and accounting issues related to ownership of certain natural gas distribution assets in support of litigation against a natural gas utility. Supported independent power supplier in binding arbitration regarding proper interpretation of a natural gas transportation contract. Provided expert witness testimony in administrative and civil court proceedings.

Utility System Assessment

Led a management and performance review of the Public Utility Commission. Conducted performance reviews and valuation studies of municipal utility systems. Assessed ability to compete in the marketplace, and recommended specific actions to improve the competitive position of the utilities. Provided comprehensive support in the potential sale of a municipal gas system, including preparation of a valuation study and all activities leading to negotiation of contract for sale and franchise agreements.

Energy Supply Analysis

Reviewed system requirements and prepared requests for proposals (RFPs) to obtain natural gas and power supplies for both utility and non-utility clients. Evaluated submittals under alternative demand and market conditions, and recommended cost-effective supply proposals. Assessed supply strategies to determine optimum mix of available resources.

Econometric Forecasting

Prepared econometric forecasts of peak demand and energy for municipal and electric cooperative utilities in support of system planning activities. Developed forecasts at the rate class and substation levels. Projected price of natural gas by individual supplier for Texas electric and natural gas utilities to support review of utility resource plans.

Reservoir Engineering

Managed certain reserves for a petroleum exploration and production company in Texas. Responsible for field surveillance of producing oil and natural gas properties, including reserve estimation, production forecasting, regulatory reporting, and performance optimization. Performed evaluations of oil and natural gas exploration prospects in Texas and Louisiana.

PROFESSIONAL MEMBERSHIPS

Society of Petroleum Engineers
International Association for Energy Economics
United States Association for Energy Economics

SELECT PUBLICATIONS, PRESENTATIONS, AND TESTIMONY

- “Summary of the USAEE Central Texas Chapter’s Workshop entitled ‘EPA’s Proposed Clean Power Plan Rules: Economic Modeling and Effects on the Electric Reliability of Texas Region,’” with Dr. Jay Zarnikau and Mr. Neil McAndrews, USAEE Dialogue, May 2015
- “Public Utility Ratemaking,” EBF 401: Strategic Corporate Finance, The Pennsylvania State University, September 2013
- “What You Should Know About Public Utilities,” EBF 401: Strategic Corporate Finance, The Pennsylvania State University, October 2011
- “Natural Gas Markets and the Impact on Electricity Prices in ERCOT,” Texas Coalition of Cities for Fair Utility Issues, Dallas, October 2008
- “Natural Gas Regulatory Policy in Texas,” Hungarian Oil and Gas Policy Business Colloquium, U.S. Trade and Development Agency, Houston, May 2003
- “Railroad Commission Update,” Texas Society of Certified Public Accountants, Austin, April 2003
- “Gas Utility Update,” Railroad Commission Regulatory Expo and Open House, October 2002
- “Deregulation: A Work in Progress,” Interview by Karen Stidger, *Gas Utility Manager*, October 2002
- “Regulatory Overview: An Industry Perspective,” Southern Gas Association’s Ratemaking Process Seminar, Houston, February 2001
- “Natural Gas Prices Could Get Squeezed,” with Commissioner Charles R. Matthews, *Natural Gas*, December 2000
- “Railroad Commission Update,” Texas Society of Certified Public Accountants, Austin, April 2000
- “A New Approach to Electronic Tariff Access,” Association of Texas Intrastate Natural Gas Pipeline Annual Meeting, Houston, January 1999
- “A Texas Natural Gas Model,” United States Association for Energy Economics North American Conference, Albuquerque, 1998
- “Texas Railroad Commission Aiding Gas Industry by Updated Systems, Regulations,” *Natural Gas*, July 1998
- “Current Trends in Texas Natural Gas Regulation,” Natural Gas Producers Association, Midland, 1998
- “An Overview of the American Petroleum Industry,” Institute of International Education Training Program, Austin, 1993
- Direct testimony in PUC Docket No. 10400 summarized in *Environmental Externality*, Energy Research Group for the Edison Electric Institute, 1992
- “God’s Fuel - Natural Gas Exploration, Production, Transportation and Regulation,” with Danny Bivens, Public Utility Commission of Texas Staff Seminar, 1992
- “A Summary of Utilities’ Positions Regarding the Clean Air Act Amendments of 1990,” Industrial Energy Technology Conference, Houston, 1992
- “The Clean Air Act Amendments of 1990,” Public Utility Commission of Texas Staff Seminar, 1992

ATTACHMENT B
Previously Filed Testimony

**KARL J. NALEPA
TESTIMONY FILED**

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
<u>Before the Public Utility Commission of Texas</u>					
49042	Mar 19	Cities	SWEPSCO	TCRF	TCRF Methodology
49041	Feb 19	Cities	SWEPSCO	DCRF	DCRF Methodology
48963	Dec 18	Denton Municipal Electric	Denton Municipal Electric	Interim TCOS	Wholesale Transmission Rate
48420	Aug 18	Gulf Coast Coalition	CenterPoint Energy Houston	EECRF	EECRF Methodology
48404	Jul 18	Cities	Texas-New Mexico Power	EECRF	EECRF Methodology
48371	Aug 18	Cities	Entergy Texas Inc.	Cost of Service	Cost of Service
48231	May 18	Cities	Oncor Electric Delivery	DCRF	DCRF Methodology
48226	May 18	Gulf Coast Coalition	CenterPoint Energy Houston	DCRF	DCRF Methodology
48222	Apr 18	Cities	AEP Texas Inc.	DCRF	DCRF Methodology
47900	Dec 17	Denton Municipal Electric	Denton Municipal Electric	Interim TCOS	Wholesale Transmission Rate
47527	Apr 18	Cities	Southwestern Public Service	Cost of Service	Cost of Service
47461	Dec 17	Office of Public Counsel	SWEPSCO	CCN	Public Interest Review
47236	Jul 17	Cities	AEP Texas	EECRF	EECRF Methodology
47235	Jul 17	Cities	Oncor Electric Delivery	EECRF	EECRF Methodology
47217	Jul 17	Cities	Texas-New Mexico Power	EECRF	EECRF Methodology
47032	May 17	Gulf Coast Coalition	CenterPoint Energy Houston	DCRF	DCRF Methodology
46936	Oct 17	Cities	Southwestern Public Service	CCN	Public Interest Review
46449	Apr 17	Cities	SWEPSCO	Cost of Service	Cost of Service

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
46348	Sep 16	Denton Municipal Electric	Denton Municipal Electric	Interim TCOS	Wholesale Transmission Rate
46238	Jan 17	Office of Public Counsel	Oncor Electric Delivery	STM	Public Interest Review
46076	Dec 16	Cities	Entergy Texas Inc.	Fuel Reconciliation	Fuel Cost
46050	Aug 16	Cities	AEP Texas	STM	Public Interest Review
46014	Jul 16	Gulf Coast Coalition	CenterPoint Energy Houston	EECRF	EECRF Methodology
45788	May 16	Cities	AEP-TNC	DCRF	DCRF Methodology
45787	May 16	Cities	AEP-TCC	DCRF	DCRF Methodology
45747	May 16	Gulf Coast Coalition	CenterPoint Energy Houston	DCRF	DCRF Methodology
45712	Apr 16	Cities	SWEPCO	DCRF	DCRF Methodology
45691	Jun 16	Cities	SWEPCO	TCRF	TCRF Methodology
45414	Feb 17	Office of Public Counsel	Sharyland	Cost of Service	Cost of Service
45248	May 16	City of Fritch	City of Fritch	Cost of Service (water)	Cost of Service
45084	Nov 15	Cities	Entergy Texas Inc.	TCRF	TCRF Methodology
45083	Oct 15	Cities	Entergy Texas Inc.	DCRF	DCRF Methodology
45071	Aug 15	Denton Municipal Electric	Denton Municipal Electric	Interim TCOS	Wholesale Transmission Rate
44941	Dec 15	City of El Paso	El Paso Electric	Cost of Service	CEP Adjustments
44677	Jul 15	City of El Paso	El Paso Electric	EECRF	EECRF Methodology
44572	May 15	Gulf Coast Coalition	CenterPoint Energy Houston	DCRF	DCRF Methodology
44060	May 15	City of Frisco	Brazos Electric Coop	CCN	Transmission Cost Recovery
43695	May 15	Pioneer Natural Resources	Southwestern Public Service	Cost of Service	Cost Allocation
43111	Oct 14	Cities	Entergy Texas Inc.	DCRF	DCRF Methodology

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
42770	Aug 14	Denton Municipal Electric	Denton Municipal Electric	Interim TCOS	Wholesale Transmission Rate
42485	Jul 14	Cities	Entergy Texas Inc.	EECRF	EECRF Methodology
42449	Jul 14	City of El Paso	El Paso Electric	EECRF	EECRF Methodology
42448	Jul 14	Cities	SWEP CO	TCRF	Transmission Cost Recovery Factor
42370	Dec 14	Cities	SWEP CO	Rate Case Expenses	Rate Case Expenses
41791	Jan 14	Cities	Entergy Texas Inc.	Cost of Service	Cost of Service/Fuel
41539	Jul 13	Cities	AEP Texas North	EECRF	EECRF Methodology
41538	Jul 13	Cities	AEP Texas Central	EECRF	EECRF Methodology
41444	Jul 13	Cities	Entergy Texas Inc.	EECRF	EECRF Methodology
41223	Apr 13	Cities	Entergy Texas Inc.	ITC Transfer	Public Interest Review
40627	Nov 12	Austin Energy	Austin Energy	Cost of Service	General Fund Transfers
40443	Dec 12	Office of Public Counsel	SWEP CO	Cost of Service	Cost of Service/Fuel
40346	Jul 12	Cities	Entergy Texas Inc.	Join MISO	Public Interest Review
39896	Mar 12	Cities	Entergy Texas Inc.	Cost of Service/ Fuel Reconciliation	Cost of Service/ Nat Gas/ Purch Power
39366	Jul 11	Cities	Entergy Texas Inc.	EECRF	EECRF Methodology
38951	Feb 12	Cities	Entergy Texas Inc.	CGS Tariff	CGS Costs
38815	Sep 10	Denton Municipal Electric	Denton Municipal Electric	Interim TCOS	Wholesale Transmission Rate
38480	Nov 10	Cities	Texas-New Mexico Power	Cost of Service	Cost of Service/Rate Design
37744	Jun 10	Cities	Entergy Texas Inc.	Cost of Service/ Fuel Reconciliation	Cost of Service/ Nat Gas/ Purch Power/ Gen
37580	Dec 09	Cities	Entergy Texas Inc.	Fuel Refund	Fuel Refund Methodology

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
36956	Jul 09	Cities	Entergy Texas Inc.	EECRF	EECRF Methodology
36392	Nov 08	Texas Municipal Power	Texas Municipal Power	Interim TCOS	Wholesale Transmission Rate
35717	Nov 08	Cities Steering Committee	Oncor Electric Delivery	Cost of Service	Cost of Service/Rate Design
34800	Apr 08	Cities	Entergy Gulf States	Fuel Reconciliation	Natural Gas/Coal/Nuclear
16705	May 97	North Star Steel	Entergy Gulf States	Fuel Reconciliation	Natural Gas/Fuel Oil
10694	Jan 92	PUC Staff	Midwest Electric Coop	Revenue Requirements	Depreciation/ Quality of Service
10473	Sep 91	PUC Staff	HL&P	Notice of Intent	Environmental Costs
10400	Aug 91	PUC Staff	TU Electric	Notice of Intent	Environmental Costs
10092	Mar 91	PUC Staff	HL&P	Fuel Reconciliation	Natural Gas/Fuel Oil
10035	Jun 91	PUC Staff	West Texas Utilities	Fuel Reconciliation Fuel Factor	Natural Gas Natural Gas/Fuel Oil/Coal
9850	Feb 91	PUC Staff	HL&P	Revenue Req. Fuel Factor	Natural Gas/Fuel Oil/ETSI Natural Gas/Coal/Lignite
9561	Aug 90	PUC Staff	Central Power & Light	Fuel Reconciliation Revenue Requirements Fuel Factor	Natural Gas Natural Gas/Fuel Oil Natural Gas
9427	Jul 90	PUC Staff	LCRA	Fuel Factor	Natural Gas
9165	Feb 90	PUC Staff	El Paso Electric	Revenue Requirements Fuel Factor	Natural Gas/Fuel Oil Natural Gas
8900	Jan 90	PUC Staff	SWEPCO	Fuel Reconciliation Fuel Factor	Natural Gas Natural Gas
8702	Sep 89 Jul 89	PUC Staff	Gulf States Utilities	Fuel Reconciliation Revenue Requirements Fuel Factor	Natural Gas/Fuel Oil Natural Gas/Fuel Oil Natural Gas/Fuel Oil

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
8646	May 89 Jun 89	PUC Staff	Central Power & Light	Fuel Reconciliation Revenue Requirements Fuel Factor	Natural Gas Natural Gas/Fuel Oil Natural Gas
8588	Aug 89	PUC Staff	El Paso Electric	Fuel Reconciliation	Natural Gas

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
<u>Before the Railroad Commission of Texas</u>					
10737	Jun 18	T&L Gas Co.	T&L Gas Co.	Cost of Service	Cost of Service/Rate Design
10622	Apr 17	LDC, LLC	LDC, LLC	Cost of Service	Cost of Service/Rate Design
10617	Mar 17	Onalaska Water & Gas	Onalaska Water & Gas	Cost of Service	Cost of Service/Rate Design
10580	Mar 17	Cities Steering Committee	Atmos Pipeline Texas	Cost of Service	Cost of Service/Rate Design
10567	Feb 17	Gulf Coast Coalition	CenterPoint Energy Entex	Cost of Service	Cost of Service/Rate Design
10506	Jun 16	City of El Paso	Texas Gas Service	Cost of Service	Cost of Service/Energy Efficiency
10498	Feb 16	NatGas, Inc.	NatGas, Inc.	Cost of Service	Cost of Service/Rate Design
10359	Jul 14	Cities Steering Committee	Atmos Energy Mid Tex	Cost of Service	Cost of Service/Rate Design
10295	Oct 13	Cities Steering Committee	Atmos Pipeline Texas	Revenue Rider	Rider Renewal
10242	Jan 13	Onalaska Water & Gas	Onalaska Water & Gas	Cost of Service	Cost of Service/Rate Design
10196	Jul 12	Bluebonnet Natural Gas	Bluebonnet Natural Gas	Cost of Service	Cost of Service/Rate Design
10190	Jan 13	City of Magnolia, Texas	Hughes Natural Gas	Cost of Service	Cost of Service/Rate Design
10174	Aug 12	Steering Committee of Cities	Atmos Energy West Texas	Cost of Service	Cost of Service/Rate Design
10170	Aug 12	Cities Steering Committee	Atmos Energy Mid Tex	Cost of Service	Cost of Service/Rate Design
10106	Oct 11	Gulf Coast Coalition	CenterPoint Energy Entex	Cost of Service	Cost of Service/Rate Design
10083	Aug 11	City of Magnolia, Texas	Hughes Natural Gas	Cost of Service	Cost of Service/Rate Design
10038	Feb 11	Gulf Coast Coalition	CenterPoint Energy Entex	Cost of Service	Cost of Service/Rate Design
10021	Oct 10	AgriTex Gas, Inc.	AgriTex Gas, Inc.	Cost of Service	Cost of Service/Rate Design
10000	Dec 10	Cities Steering Committee	Atmos Pipeline Texas	Cost of Service	Cost of Service/Rate Design

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
9902	Oct 09	Gulf Coast Coalition	CenterPoint Energy Entex	Cost of Service	Cost of Service/Rate Design
9810	Jul 08	Bluebonnet Natural Gas	Bluebonnet Natural Gas	Cost of Service	Cost of Service/Rate Design
9797	Apr 08	Universal Natural Gas	Universal Natural Gas	Cost of Service	Cost of Service/Rate Design
9732	Jul 08	Cities Steering Committee	Atmos Energy Corp.	Gas Cost Review	Natural Gas Costs
9670	Oct 06	Cities Steering Committee	Atmos Energy Corp.	Cost of Service	Affiliate Transactions/ O&M Expenses/GRIP
9667	Nov 06	Oneok Westex Transmission	Oneok Westex Transmission	Abandonment	Abandonment
9598	Sep 05	Cities Steering Committee	Atmos Energy Corp.	GRIP Appeal	GRIP Calculation
9530	Apr 05	Cities Steering Committee	Atmos Energy Corp.	Gas Cost Review	Natural Gas Costs
9400	Dec 03	Cities Steering Committee	TXU Gas Company	Cost of Service O&M Expenses/Capital Costs	Affiliate Transactions/

DKT NO.	DATE	REPRESENTING	UTILITY	PHASE	ISSUES
<u>Before the Louisiana Public Service Commission</u>					
U-34344/ U-34717	Apr 18	PSC Staff	Dixie Electric Member Corporation	Formula Rate Plan	Stipulation
U-34344	Jan 18	PSC Staff	Dixie Electric Member Corporation	Formula Rate Plan	Adjusted Revenues
U-33633	Nov 15	PSC Staff	Entergy Louisiana, LLC/ Entergy Gulf States Louisiana	Resource Certification	Prudence
U-33033	Jul 14	PSC Staff	Entergy Louisiana, LLC/ Entergy Gulf States Louisiana	Resource Certification	Revenue Requirement
U-31971	Nov 11	PSC Staff	Entergy Louisiana, LLC/ Entergy Gulf States Louisiana	Resource Certification	Certification/Cost Recovery
<u>Before the Arkansas Public Service Commission</u>					
O7-105-U	Mar 08	Arkansas Customers	CenterPoint Energy, Inc. & pipelines serving CenterPoint	Gas Cost Complaint	Prudence / Cost Recovery
<u>Before the Colorado Public Utilities Commission</u>					
18A-0791E	Mar 19	Pueblo County	Black Hills Colorado Electric	Economic Development Rate	Tariff Issues

ATTACHMENT C

Responses to Requests for Information

SOAH DOCKET NO. 473-19-2303
DOCKET NO. 49148

APPLICATION OF EL PASO ELECTRIC § BEFORE THE STATE OFFICE
COMPANY FOR TRANSMISSION § OF
COST RECOVERY FACTOR § ADMINISTRATIVE HEARINGS

EL PASO ELECTRIC COMPANY'S RESPONSE TO
CITY OF EL PASO'S FIRST REQUEST FOR INFORMATION
QUESTION NOS. CEP 1-1 THROUGH CEP 1-12

CEP 1-3:

Refer to the Direct Testimony of EPE witness Doyle at Page 16, Lines 5-6. Please provide the original 1967 right of way agreement with the Isleta Tribe.

RESPONSE:

Please see CEP 1-3 Attachment 1.

Preparer: Randal Harlas

Title: Manager-Technical Assistant

Sponsor: R. Clay Doyle

Title: Vice President-Transmission and
Distribution

SOAH Docket No. 473-19-2303
PUCT Docket No. 49148
CEP's 1st, Q. No. 1-3
Attachment 1
Page 1 of 5

RECORD OF Easement granted to

EL PASO ELECTRIC CO.

Location: 345 KV Line in Isleta Pueblo Land

Description: A strip of land 100' wide, 8.4 miles in length
across Isleta Pueblo Land in Valencia and
Bernalillo Counties.

School District: Valencia School District No. 2 and Bernalillo School No. 6

Reference:

Property Map No. Q-06509

Intended Use of Land: 34500 Line Right-of-Way

Requisition No. 940.1 - 1967

Easement From: Department of Interior, Bureau of Indian Affairs

Purchase Price: \$4,398.75 (50 yrs.) Voucher: 5-340

Check: 76255

Date: 5-19-67

Filed for Record - County Clerk -

County,

Reception No.

Date:

Recorded in Book

Page

Date:

E.P.E. Co. Employees in contact with Property Owner: Mr. H. I. Zimmer, Jr.
Mr. R. C. Murray

**GENERAL INFORMATION ON THE PROPOSED EL PASO ELECTRIC COMPANY
345 kv. TRANSMISSION LINE**

El Paso Electric Company is participating in the WEST power pool program, which includes construction of a large power generating facility in the Four Corners area of New Mexico and related power transmission facilities. Power will be brought to Public Service Company of New Mexico's West Mesa Station and El Paso Electric Company will be responsible for construction of a 345 kv. transmission line from the West Mesa to El Paso, Texas. The transmission line will be used to 'wheel' power for the Plains Electric Cooperative, eliminating their need for a transmission line across Isleta.

General characteristics of the line and right-of-way requirements are as follows:

1. The right-of-way will be 100-foot wide and will cross Isleta lands for a distance of approximately 8.4 miles. The right-of-way will encompass approximately 102-acres. These distances will be verified with detailed right-of-way information which must be provided in the application submitted to the Bureau of Indian Affairs.

2. Structures will be double poles, constructed on the site, and will be approximately 70-foot high, 53-foot wide at the crossarm, 26-foot wide at the base between poles, and wires will have a minimum 30-foot clearance from ground level. All structures are designed and constructed in accordance with standards established in the National Electric Safety Code, 6th Edition. Structures will be placed approximately 800-feet apart.

3. During construction, a road will be required along the right-of-way for construction vehicles and equipment, and a maintenance road will be required after completion of the line. Access to the property will be necessary for maintenance and inspection purposes, and gates will be provided where needed.

4. Construction of the entire line, from El Paso to Albuquerque, should take approximately one year. While the schedule calls for completion of one mile offline per working day, construction will actually occur in stages, with several miles included in each stage. Structures will be fabricated on the site, holes will be dug just prior to need, the structures will be erected, and the wire will be strung over several miles at a time. Sites for storage of construction materials will be selected, preferably on rail, by the construction contractor (Jelco).

5. A resolution from the Isleta Pueblo Council is needed so that El Paso Electric and its contractors can proceed with design and planning. The proposed alignment has been selected based on both ground and aerial surveys to determine an optimum location, causing the least possible damage to real estate and improvements. The nearest physical improvements are a stock tank and a FAA site, both well removed from the proposed alignment.

Submitted by:

John W. Daly, Realty Research, Inc.
152 Wadlington SE
Albuquerque, New Mexico

RESOLUTION

At a duly called meeting of the Council of the Isleta Pueblo held on the 5th day of July, 1967, the following resolution was adopted, said Council meeting being attended by 9 members of the Council:

BE IT RESOLVED that the resolution presented to us by the El Paso Electric Company, which was adopted on the 6th day of July, 1967, authorizing a grant of a one hundred (100) foot right-of-way for a 345 kv power transmission line across our land for a distance of 8.5 miles, is supplemented as follows:

- (1) Consideration in the amount of Four thousand three hundred ninety eight and 75/100 (\$4,398.75) dollars shall be deposited with United Pueblos Agency, Bureau of Indian Affairs, for the benefit of the Pueblo of Isleta as a condition for the granting of said 345 kv power transmission line right-of-way.
- (2) Said grant of right-of-way shall be for a term of fifty (50) years from the date the General Superintendent authorizes El Paso Electric Company to commence construction of said line.
- (3) The General Superintendent, United Pueblos Agency, is authorized to give El Paso Electric Company permission to commence construction of said power line prior to formal approval of the grant of right-of-way with the understanding that said company shall comply with the applicable regulations of the Department of the Interior concerning grants of right-of-way at an early date.

CERTIFICATION

I, the undersigned, as Governor of the Pueblo of Isleta hereby certify that the Isleta Pueblo Council, at a duly called meeting, which was convened and held on the 5th day of July, 1967, at the Pueblo of Isleta in the State of New Mexico approved the foregoing resolution, a quorum being present, and that the vote was 9 in favor with 0 opposed.

Joseph H. Bernal
Governor

ATTEST:
John P. [Signature]
Secretary

United Pueblos Agency
Albuquerque, New Mexico

APPROVED March 28, 1966
for a term of 50 years from July 1,
pursuant to the provisions of the Act of Fe-
bruary 15, 1948 (62 Stat. 17) and the Department
of the Interior, 25 C.F.R. 161 (1966). ~~These~~
subject to any prior valid, existing right
in the same claim and subject to the provisions
of the Act of February 15, 1948 (62 Stat. 17)
as amended and the Regulations thereunder
adopted by the Council of the Pueblo of Taos, New Mexico.

Acting ~~Assistant~~ Support
Director

APPLICANT'S CERTIFICATE

1. I, LOCKHART, JOSEPH H. CERTIFY THAT I AM THE OFFICER IN CHARGE OF THE COMPANY, HEREINAFTER CALLED THE APPLICANT, THAT I HAVE RECEIVED AND CONSIDERED THE FOREGOING APPLICATION, AND THAT I HAVE CONSIDERED THE MATTER OF THE APPLICANT'S RIGHT TO THE LAND HEREIN DESCRIBED BY THE APPLICANT TO SURVAY THE LOCATION OF THE PUBLIC TRANSMISSION LINE RIGHT-OF-WAY AND TO CUT THIS MAP, THAT THE LOCATION OF SAID RIGHT-OF-WAY HAS BEEN DETERMINED BY THE APPLICANT TO BE THE CENTER LINE OF THE SOUTH BOUNDARY OF THE SECTION HEREIN SHOWN AND SET OUT FOR SECTION 133-5-5, BEING THE NORTH BOUNDARY LINE OF SECTION 133-5-6, IS ACCURATELY REPRESENTED ON THIS MAP AND THAT I HAVE FULLY CONSIDERED THAT THIS MAP HAS BEEN DETERMINED TO BE THE LOCATION OF THE RIGHT-OF-WAY OF THE APPLICANT, AND THAT THE MAP HAS BEEN DETERMINED TO BE FILED FOR THE APPROVAL OF THE SECRETARY OF THE INTERIOR AND HAS BEEN APPROVED BY THE SECRETARY OF THE INTERIOR, AND THAT I HAVE FULLY CONSIDERED THAT THE APPLICANT IS A PERSON AND COMPANY, AND THAT THE RIGHT TO CUT, MAINTAIN, AND REPAIR IMPROVE TO USE THIS FIRELINE AND POWER LINE SECTION, AND WITH THE FURTHER RIGHT TO CUT AND MAINTAIN AND REPAIR IMPROVE TO USE THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT OR OTHERWISE.

1901
EL PASO ELECTRIC COMPANY

ENGINEER'S AFFIDAVIT

STATE OF NEW MEXICO,
COUNTY OF GERALDO.

4. G. Kowalec, being first day's snow, guesses and states that he is a "Kowalec" of Kowalec. Mr. Kowalec & Paul's K meeting, for a first the survey was made high in the air. This distinctly was the way he executed the line of the survey for a Transmiss on Low right on way as described and shown on this map that this map was prepared in inner line direction from said field notes; and that said right of way being 81,435 lines in length beginning at P.O.T. station 10994 + 19. It being a point on the South Boundary and within at P.O.T. Station 11439 + 55.1 being a point on the North Boundary is accurately located on this map.

Registered Engineer & Land Surveyor
No. 1949

Subscribed and sworn to before me this 5 day of May 1969.

PARCEL 40, I.P.L.

A certain parcel of land identified as Parcel No. 1, P.L., being a part of the Isleta Pueblo Land and more particularly described as follows:

RIGHT-OF-WAY MAP

SOAH Docket No. 473-19-2303
PUCT Docket No. 49148
CEP's 1st, Q. No. 1-3
Attachment 1
Page 4 of 5

RESOLUTION

WHEREAS, El Paso Electric Company, a Texas corporation, has applied to the Council of the Pueblo of Isleta for an easement and right-of-way for a 345 KV transmission line one hundred (100) feet in width within the lands owned by the Pueblo, and as shown on the attached U.S.G.S. maps (Exhibit A-1 and A-2), for the purpose of allowing the construction of said transmission line from the Albuquerque West Mesa sub-station to El Paso, Texas, and

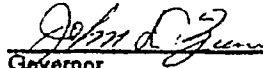
WHEREAS, it appears appropriate for the Council to grant the easement and right-of-way for said purpose, upon condition that the Company shall indemnify and save harmless the Pueblo of Isleta against any loss or damage that it may at any time hereafter sustain as a result of any negligent act of the Company, or anyone in its employ, in and about the construction or maintenance of said line, and

WHEREAS, the Council has been fully advised in the matter, and believes it to be for the best interest of the Pueblo to authorize the construction and maintenance of said line, and to grant an easement and right-of-way therefore, now therefore be it

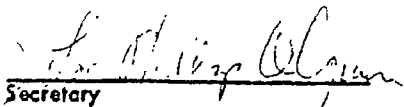
RESOLVED, that the Council hereby consents and agrees that the government of the Pueblo of Isleta shall approve and authorize such easement and right-of-way, and the execution, if desired, of an agreement in writing therefore, such easement and right-of-way for such 345 KV transmission line to be for the purpose of transmitting electricity on, along, over, through, across, or under the lands shown on the attached maps, Exhibit A-1 and A-2 (U.S.G.S. Dalies and Wind Mesa Sheets) together with right of said Company, its successors and assigns, to place, erect, maintain, inspect, add to the number of, and relocate at will, poles, towers, crossarms or fixtures, and to string wires and cables, adding thereto from time to time, across, through, or over the described premises.

CERTIFICATION

I, the undersigned, as Governor of the Pueblo of Isleta hereby certify that the Isleta Pueblo Council, at a duly called meeting, which was convened and held on 6 day of March, 1967, at the Pueblo of Isleta in the State of New Mexico approved the foregoing resolution, a quorum being present, and that the vote was 8 in favor with 0 opposed.


Governor

ATTEST:


Secretary

SOAH DOCKET NO. 473-19-2303
DOCKET NO. 49148

APPLICATION OF EL PASO ELECTRIC § BEFORE THE STATE OFFICE
COMPANY FOR TRANSMISSION § OF
COST RECOVERY FACTOR § ADMINISTRATIVE HEARINGS

EL PASO ELECTRIC COMPANY'S RESPONSE TO
CITY OF EL PASO'S FIRST REQUEST FOR INFORMATION
QUESTION NOS. CEP 1-1 THROUGH CEP 1-12

CEP 1-4:

Refer to the Direct Testimony of EPE witness Doyle at Page 16, Lines 17-18. Please provide a detailed description of the "extensive review and approval process" conducted prior to entering into the Isleta land rights renewal agreement.

RESPONSE:

Condemnation was considered but was found to have no legal basis on tribal lands. Abandoning the line was considered but was determined to have a system impact that was prohibitive and a significant impact to transmission revenues. Re-routing the line was analyzed but was determined to be costlier than renewing the agreement. Refer to CEP 1-4 Attachment 1-CONFIDENTIAL, which is available on El Paso Electric Company's secure server, for a summary.

Preparer: Randal Harlas

Title: Manager-Technical Assistant

Sponsor: R. Clay Doyle

Title: Vice President-Transmission and
Distribution

EL PASO ELECTRIC COMPANY

SOAH Docket No. 473-19-2303
PUC Docket No. 49148
CEP's 1st, Q. No. CEP 1-4
Attachment 1
Page 1 of 1

PUBLIC

CEP 1-4 Attachment 1 is a CONFIDENTIAL and/or HIGHLY SENSITIVE PROTECTED
MATERIALS attachment.

DOCKET NO. 49148

APPLICATION OF EL PASO ELECTRIC § BEFORE THE STATE OFFICE
COMPANY FOR TRANSMISSION § OF
COST RECOVERY FACTOR § ADMINISTRATIVE HEARINGS

EL PASO ELECTRIC COMPANY'S RESPONSE TO
CITY OF EL PASO'S FIRST REQUEST FOR INFORMATION
QUESTION NOS. CEP 1-1 THROUGH CEP 1-12

CEP 1-5:

Refer to the Direct Testimony of EPE witness Doyle at Page 16, Lines 17-18. Please provide all presentations to the Board of Directors prior to its approval of the Isleta land rights renewal agreement.

RESPONSE:

The information provided to the Board of Directors was provided via a presentation. See El Paso Electric Company's response to CEP 1-4, CEP 1-4 Attachment-1.

Preparer: Randal Harlas

Title: Manager-Technical Assistant

Sponsor: R. Clay Doyle

Title: Vice President-Transmission and Distribution

SOAH DOCKET NO. 473-19-2303
DOCKET NO. 49148

APPLICATION OF EL PASO ELECTRIC § BEFORE THE STATE OFFICE
COMPANY FOR TRANSMISSION § OF
COST RECOVERY FACTOR § ADMINISTRATIVE HEARINGS

EL PASO ELECTRIC COMPANY'S RESPONSE TO
CITY OF EL PASO'S FIRST REQUEST FOR INFORMATION
QUESTION NOS. CEP 1-1 THROUGH CEP 1-12

CEP 1-6:

Refer to the Direct Testimony of EPE witness Doyle at Page 16, Lines 18-20. Please provide the information gathered from other utilities and analysis conducted by EPE or provided EPE by third parties that support EPE's contention that the right of way agreement with the Isleta Tribe was reasonable.

RESPONSE:

Information gathered about other utilities was gathered through verbal conversations and was not documented. Those discussions indicated that the costs to El Paso Electric Company ("EPE") was in the range of the other utilities' experience. The third-party information was contained in the Wall Street Journal article referenced in EPE's response to CEP 1-4 Attachment 1. The analyses conducted by EPE is also documented in that attachment.

Preparer: Randal Harlas

Title: Manager-Technical Assistant

Sponsor: R. Clay Doyle

Title: Vice President-Transmission and
Distribution

RECEIVED

NOV 16 AM 10:54

PUBLIC UTILITY COMMISSION
FILING CLERK

SOAH DOCKET NO. 473-19-2303
DOCKET NO. 49148

APPLICATION OF EL PASO ELECTRIC	§	BEFORE THE STATE OFFICE
COMPANY FOR TRANSMISSION	§	OF
COST RECOVERY FACTOR	§	ADMINISTRATIVE HEARINGS

EL PASO ELECTRIC COMPANY'S RESPONSE TO
CITY OF EL PASO'S SECOND REQUEST FOR INFORMATION
QUESTION NOS. CEP 2-1 THROUGH CEP 2-5

CEP 2-1:

Refer to the Direct Testimony of EPE witness Doyle at Page 16, Lines 17- 18. Please provide EPE's complete file regarding this transaction, including all backup information created and/or retained supporting the presentation provided in response to CEP 1-4 and 1-5.

RESPONSE:

El Paso Electric Company has provided all backup information created and/or retained supporting the presentation provided in its previous response to CEP 1-4 and 1-5.

Preparer: Randal Harlas

Title: Manager-Technical Assistant

Sponsor: R. Clay Doyle

Title: Vice President-Transmission and
Distribution

NORMAN J GORDON

PO Box 8
El Paso

915 203 4883

Attn: Karla M. Nieman
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

Statement Date: July 14, 2019
Statement No. 106
Account No. 1.04
Page: 1

RE: PUC Docket 49148 TCRF

Payments received after 07/14/2019 are not included on this statement.

Fees

			Hours	
01/25/2019	NJG	Receipt and initial review of TCRF Filing.	1.50	525.00
02/03/2019	NJG	Review of testimony and project reports, identify potential issues for discussion w/client	2.00	700.00
02/04/2019	NJG	To City hall for Council meeting/ Presentation to Council Re: filing	1.00	350.00
02/05/2019	NJG	Prepare intervention and Request to appear at Prehearing conference by telephone.	0.50	175.00
02/11/2019	NJG	E-mails re: scheduling order		
02/19/2019	NJG	Review edit and finalize CEP First RFI's to EPE	0.70	245.00
	NJG	Review edit and finalize City's First RFI's to EPE	0.60	210.00
02/28/2019	NJG	Review response to Staff First RFI's	0.60	210.00
03/06/2019	NJG	Review and analyze response to CEP first RFI's	0.70	245.00
03/08/2019	NJG	Review response to Staff 2nd RFI's	0.40	140.00
03/18/2019	NJG	Review edit and serve CEP 2nd RFI's to EPE	0.50	175.00
03/26/2019	NJG	Review Staff 4th RFI's	0.20	70.00
04/02/2019	NJG	Review responses to CEP 2nd RFI's Tel. K Nalepa re: responses (public and confidential)	0.80	280.00
	NJG	Review response to Staff 4th RFI's	0.02	7.00
04/08/2019	NJG	Review final draft and prepare for transmittal and filing at PUC	1.90	665.00
04/12/2019	NJG	Initial Review and comment on draft Nalepa testimony, identify and locate additional prior commission actions.	1.70	595.00
04/15/2019	NJG	Review and comment on 2nd draft of testimony	1.20	420.00

			Hours	
04/17/2019	NJG	Review calendar and transmit 1st RFI's to City from EPE.	0.30	105.00
04/22/2019	NJG	Review responses to TIEC RFI's (3rd)	0.30	105.00
	NJG	Review draft responses to EPE RFI's to City, edit and review documents.	1.30	455.00
	NJG	EPE letter declassifying discovery responses, Tel. K. Nalepa.	0.20	70.00
04/23/2019	NJG	Review revisions to responses, assemble documents for filing and transmittal and service.	1.00	350.00
	NJG	Review Staff testimony	1.30	455.00
04/29/2019	NJG	Prepare report on status of case for Council presentation. To City Hall for Executive Session presentation on action on original jurisdiction.	1.10	385.00
04/30/2019	NJG	Tel. B. Slocum and M Held re: discovery supplement (New data to be provided), filing of rebuttal, and suspension of schedule. Tel. K. Nalepa.	0.90	315.00
	NJG	Receipt and initial review of EPE rebuttal testimony/attachments	0.70	245.00
05/01/2019	NJG	Additional Review of EPE Rebuttal. EPE Attachment/relied upon to Doyle	2.70	945.00
05/03/2019	NJG	Tel w/ B. SLocum, Update E-mails and E. mail w. K Nalepa	0.50	175.00
05/06/2019	NJG	Complete review of DOE document, tel. w. K Nalepa, Start supplemental discovery review.	2.20	770.00
05/07/2019	NJG	Review supplemental discovery, Tel. w/ K Nalepa and B. Slocum re: issues raised and information provided.	5.20	1,820.00
05/10/2019	NJG	Review of EPE Settlement Proposal, E-mail from K. Nalepa, Conference call w/Intervenor and Staff, Tel. K. Nalepa, Tel. B. Slocum and E-mail to B. Slocum re: status, Review relevant docket PFD	1.10	385.00
05/13/2019	NJG	Receipt and review EPE second errata	0.50	175.00
05/14/2019	NJG	Additional review of supplemental Discovery responses and attachments, identify potential evidentiary items, Tel. K Nalepa re: findings in additional discovery and responses	3.10	1,085.00
05/15/2019	NJG	Telephone conference with Intervenor and PUC Staff re: EPE settlement proposal. Tel. B. Slocum re: reply.	0.60	210.00
	NJG	Staff/Intervenor Conference call re: settlement offer to EPE	0.60	210.00
05/17/2019	NJG	Receipt of EPE references to the cost from B. Slocum, Forward to K. Nalepa, Review documents cited.	1.80	630.00
	NJG	Staff Intervenor Conference call re: settlement proposal and issues	0.40	140.00
05/20/2019	NJG	Staff intervenor settlement offer construction to parties	0.50	175.00
05/23/2019	NJG	E-mails re: positions, Communicate Settlement offer to EPE, Tel. B. Slocum	0.20	70.00
05/28/2019	NJG	Review counter offer from EPE.	0.20	70.00

			Hours	
05/29/2019	NJG	Conf call w. Intervenor parties re: EPE Response	0.30	105.00
05/30/2019	NJG	Call w. B. Slocum and J Schichtl re: settlement formats.	0.60	210.00
05/31/2019	NJG	Receipt and review of EPE proposed settlement language, prepare comments and forward to parties and EPE	0.90	315.00
06/05/2019	NJG	Forward Comments on language to EPE	0.50	175.00
06/07/2019	NJG	Receipt of EPE Settlement Offer on TCRF, forward to K Nalepa	0.20	70.00
06/11/2019	NJG	New language from TIEC, and Forward to EPE, Discussion w/ B. Slocum re: language and issues to be reserved.	0.50	175.00
06/18/2019	NJG	Communicate Settlement counter to EPE and response.	0.70	245.00
06/19/2019	NJG	Discovery review re: viability of trial v settlement, Tel. K. Nalepa	1.40	490.00
06/20/2019	NJG	Re review discovery responses and issues in potential settlement vs trial. Tel. J. Flores re: results and options. ID discovery responses for exhibits	3.00	1,050.00
		For Current Services Rendered	49.12	17,192.00

Expenses

04/16/2019	Photocopy charges	72.99
	Total Expenses	72.99

Advances

02/19/2019	Courier fee Federal Express to PUCT	36.65
03/07/2019	ReSolved Energy Consulting	1,512.00
03/18/2019	Courier fee Federal Express to PUCT	30.93
04/02/2019	ReSolved Energy Consulting	3,636.00
04/18/2019	Courier fee Federal Express to PUCT	80.19
05/02/2019	ReSolved Energy Consulting	4,590.00
06/06/2019	ReSolved Energy Consulting	2,592.00
07/03/2019	ReSolved Energy Consulting	1,026.00
	Total Advances	13,503.77

Total Current Work 30,768.76

Balance Due \$30,768.76

Billing History				
<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
17,192.00	72.99	13,503.77	0.00	0.00

Please make checks payable to "Norman J. Gordon"

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420

Austin, Texas 78759

Phone (512) 331-4949

Invoice

DATE	INVOICE NUMBER
3/7/2019	4358

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	5.6	270.00	1,512.00
Work Completed thru - February 28, 2019	TOTAL DUE		\$1,512.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
January 25, 2019	Download and review application.	0.80
January 28, 2019	Continue to review application.	1.00
February 11, 2019	Call with N. Gordon to discuss case issues and procedural schedule. Review Staff discovery.	0.60
February 14, 2019	Review issues lists.	0.20
February 18, 2019	Review filing and prepare discovery. Send to N. Gordon.	2.20
February 22, 2019	Review procedural schedule. Review discovery.	0.80
		5.60

ReSolved Energy Consulting, LLC

Phone (512) 331-4949

11044 Research Blvd, A-420

Invoice

DATE	INVOICE NUMBER
4/2/2019	4363

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	12.8	270.00	3,456.00
Consulting (Cromleigh)	1	180.00	180.00
Total Labor			3,636.00
Work Completed thru - March 31, 2019	TOTAL DUE		\$3,636.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
March 11, 2019	Download and review responses to discovery.	0.60
March 13, 2019	Review additional responses to discovery.	0.40
March 15, 2019	Review schedules and analyze case issues. Review draft discovery.	1.40
March 18, 2019	Prepare additional discovery and send to N. Gordon for review.	1.80
March 19, 2019	Work on case issues.	2.20
March 22, 2019	Work on case issues.	0.80
March 26, 2019	Work on case issues.	0.40
March 27, 2019	Research land values. Prepare testimony outline.	1.80
March 28, 2019	Prepare and send summary of position on case issues to N. Gordon.	2.00
March 29, 2019	Call with N. Gordon to discuss case issues.	1.40

12.80

Monthly Recap

Erin Cromleigh

Date	Task	Hours
March 29, 2019	Call with N. Gordon to discuss case issues.	1.00
		1.00

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Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
5/2/2019	4380

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Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	17	270.00	4,590.00
Work Completed thru - April 30, 2019	TOTAL DUE		\$4,590.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
April 2, 2019	Research FERC chart of accounts. Emails with N. Gordon regarding accounting for ROW payment.	0.60
April 4, 2019	Download and review responses to discovery.	1.20
April 5, 2019	Review additional responses.	0.80
April 8, 2019	Review EPE errata. Discuss testimony issues with N. Gordon.	1.60
April 9, 2019	Work on draft testimony.	2.00
April 10, 2019	Continue to work on testimony. Call with N. Gordon to discuss.	1.60
April 11, 2019	Complete draft testimony and send to N. Gordon for review.	2.40
April 12, 2019	Call with N. Gordon to discuss testimony edits. Revise testimony and re-send to N. Gordon for review.	1.40
April 15, 2019	Call with N. Gordon to discuss testimony. Prepare testimony schedules, attachments and workpapers. Send to N. Gordon.	0.80
April 17, 2019	Prepare responses to EPE discovery request.	0.60
April 18, 2019	Complete responses to EPE discovery request and send to N. Gordon for review.	1.20
April 22, 2019	Call with N. Gordon to discuss responses to EPE discovery. Review Preliminary Order and EPE motion regarding ROW agreement.	0.80
April 23, 2019	Review responses to discovery.	0.40
April 24, 2019	Review Staff testimony.	0.80
April 25, 2019	Discuss Staff testimony issues with N. Gordon.	0.20
April 30, 2019	Review EPE rebuttal testimony.	0.60

17.00

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11044 Research Blvd, A-420
Austin, TX 78759

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DATE	INVOICE NUMBER
6/6/2019	4404

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Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	9.6	270.00	2,592.00
Work Completed thru - May 31, 2019	TOTAL DUE		\$2,592.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
May 1, 2019	Review rebuttal testimony.	0.60
May 3, 2019	Emails with G. Gordon regarding supplemental responses to discovery, suspension of procedural schedule, and EPE settlement offer.	0.20
May 6, 2019	Download and review supplemental discovery response related to ROW payment. Send comments and call with N. Gordon to discuss.	2.00
May 7, 2019	Call with N. Gordon to discuss information provided in supplemental responses to discovery.	0.60
May 8, 2019	Download and review additional supplemental discovery response related to ROW payment. Review and send comments on EPE settlement offer.	1.80
May 9, 2019	Call with N. Gordon to discuss settlement offer. Review SWEPCO TCRF Order.	0.80
May 13, 2019	Review EPE errata testimony.	0.40
May 14, 2019	Call with N. Gordon to confirm conclusions from supplemental discovery. Review discovery.	0.40
May 15, 2019	Call with intervenors to discuss settlement offer to EPE.	0.60
May 17, 2019	Review summary of supplemental responses to discovery. Call with N. Gordon regarding settlement offer to EPE.	0.40
May 23, 2019	Call with N. Gordon to discuss scope of possible supplemental testimony.	0.20
May 29, 2019	Call with N. Gordon to discuss EPE settlement offer, revised schedule and supplemental testimony.	0.40
May 30, 2019	Call with EPE staff and N. Gordon to discuss terms of potential settlement. Call with N. Gordon to review discussion.	0.80
May 31, 2019	Call with N. Gordon regarding filing of supplemental testimony.	0.40

9.60

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420
Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
7/3/2019	4422

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	3.8	270.00	1,026.00
Work Completed thru - June 30, 2019	TOTAL DUE		\$1,026.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
<i>June 1, 2019</i>	Outline supplemental testimony issues.	1.20
<i>June 5, 2019</i>	Review settlement proposal and call with N. Gordon to discuss.	0.40
<i>June 6, 2019</i>	Work on analysis of alternative ROW payments for possible supplemental testimony.	1.00
<i>June 11, 2019</i>	Call with N. Gordon to discuss case issues.	0.20
<i>June 18, 2019</i>	Call with N. Gordon to discuss ROW payment evidence.	0.40
<i>June 19, 2019</i>	Call with N. Gordon to discuss settlement proposal.	0.40
<i>June 27, 2019</i>	Review SOAH Order.	0.20

3.80



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Invoice no. 4-700-40784
Account no. 6433-4225-1
Bill date 02/19/2019
Total Billed \$36.65
Tracking ID Balance due \$0.00
Status Paid CC

Messages

Package sent from: 44122 zip code
Distance Based Pricing, Zone 6
This shipment was priced using FedEx One Rate

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Sender Information

Norman Gordon
221 N. Kansas
EL PASO TX 79901
US

Recipient Information

Public Utility Commission of T
Central Records
1701 N. Congress
AUSTIN TX 78701
US

Shipment Details

Ship date 02/19/2019
Payment type Shipper
Service type FedEx Standard Overnight
Zone 06
Package type FedEx Envelope
Pieces 1
Rated method FOR
Meter No. 114237371
Declared value \$0.00

Charges

Transportation Charge	36.65
Weekday Delivery	0.00
Total charges	\$36.65

Original Reference

Customer reference no. NO REFERENCE INFORMATION
Department no.
Reference #2
Reference #3

Proof of Delivery

Delivery date 02/20/2019 10:10
Service area code A1
Signed by F.CASTIANOS

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Billing Information

Tracking ID no. [<Prev](#) 774732903320 [Next>](#)

Invoice no. 4-728-58630

Account no. 6433-4225-1

Bill date 03/18/2019

Total Billed \$61.86

Tracking ID Balance due \$0.00

Status Paid CC

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Messages

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Package sent from: 44146 zip code

Distance Based Pricing, Zone 6

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Sender Information

Norman Gordon

221 N. Kansas

EL PASO TX 79901

US

Recipient Information

Public Utility Commission of T

Central Records

1701 N. Congress

AUSTIN TX 78701

US

Shipment Details

Ship date 03/18/2019

Payment type Shipper

Service type FedEx Standard Overnight

Zone 06

Package type FedEx Pak

Rated weight 2.00lbs

Pieces 1

Meter No. 114237371

Declared value \$0.00

Charges

Transportation Charge	68.50
Fuel Surcharge	4.32
Weekday Delivery	0.00
Discount	-10.96
Total charges	\$61.86

Original Reference

Customer reference no. 49148/49251

Department no.

Reference #2

Reference #3

Proof of Delivery

Delivery date 03/19/201909:50

Service area code A1

Signed by K.KIRKLAND

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Billing Information

Invoice no. [<Prev](#) 4-758-22106 [Next>](#)
Account no. 6433-4225-1
Store ID no.
FedEx Tax ID No. 71-0427007
Invoice date 04/18/2019
Invoice status Closed
Balance due \$0.00
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Charge Summary

Total express charges 80.19
Total ground charges 0.00
Total other charges 0.00
Total invoice amount 80.19
Total payments and credits 80.19
Total balance due \$0.00

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Other discounts may apply.

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<input type="checkbox"/>	774972887086	04/15/2019	<input type="checkbox"/> Express		49148-testimony	Shipper	Closed	114237371	80.19	0.00

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ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
PAYMENTS AND OTHER CREDITS		
04/11	Payment ThankYou Check	-1,320.98
04/15	Payment Thank You Bill Pay Service	-229.91
PURCHASE		
03/21	FEDEX 472858630 MEMPHIS TN	61.86
03/20	OFFICEMAX/DEPOT 6725 MACEDONIA OH	17.06
03/27	PAYPAL *SHOPMLBCO 402-935-7733 FL	26.98
03/31	MSFT * E03007VDXW 800-842-7676 WA	13.51
04/01	GREAT AMERICAN STEAK BURG EL PASO TX	13.63
04/03	ALON 7-ELEVEN 1843 EL PASO TX	1.37
04/04	CHILI'S AIRWAY BLVD EL PASO TX	11.06
04/03	SLEEP INN UNIVERSITY, TX 9155857577 TX	137.68
04/04	PANERA BREAD #203248 K PHOENIX AZ	6.79
04/04	HAWTHORN SUITES EL PASO EL PASO TX	99.41
04/04	CLEVELAND PARK PLACE BROOK PARK OH	35.70
04/07	FEDEX 474605111 MEMPHIS TN	35.17
04/06	PAYPAL *SHAAREYTIK 402-935-7733 CA	180.00
04/08	MICRO CENTER MAYFIELD HTS MAYFIELD HTS OH	5.38
04/11	FEDEX 475080504 MEMPHIS TN	35.86
04/15	STAPLES 00106690 MAYFIELD HEIG OH	72.99
04/16	APL*ITUNES.COM/BILL 866-712-7753 CA	.99
04/18	JASONS DELI ST1136 IRVING TX	10.81
04/18	FEDEX 475822106 MEMPHIS TN	60.19

2019 Totals Year-to-Date	
Total fees charged in 2019	\$0.00
Total interest charged in 2019	\$0.00

Year-to-date totals do not reflect any fee or interest refunds
you may have received.

INTEREST CHARGES

Your **Annual Percentage Rate (APR)** is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	18.24%(v)(d)	- 0 -	- 0 -
CASH ADVANCES			
Cash Advances	27.24%(v)(d)	- 0 -	- 0 -
BALANCE TRANSFERS			
Balance Transfer	18.24%(v)(d)	- 0 -	- 0 -

31 Days in Billing Period

(v) = Variable Rate
(d) = Daily Balance Method (including new transactions)
(a) = Average Daily Balance Method (including new transactions)

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420
Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
8/6/2019	4444

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	1.6	270.00	432.00
Work Completed thru - July 31, 2019	TOTAL DUE		\$432.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
<i>July 1, 2019</i>	Review supplemental discovery and call with N. Gordon to discuss.	0.80
<i>July 30, 2019</i>	Call with N. Gordon to discuss issues for hearing. Review Commission memo and orders.	0.60
<i>July 31, 2019</i>	Call with N. Gordon to discuss issues for hearing.	0.20
		1.60

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420
Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
9/5/2019	4465

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	1.6	270.00	432.00
Work Completed thru - August 31, 2019	TOTAL DUE \$432.00		

Monthly Recap

Karl Nalepa

Date	Task	Hours
August 1, 2019	Call with intervenors to discuss settlement options.	0.60
August 2, 2019	Calls with intervenors and with Company to discuss settlement. Review settlement offer.	1.00
		1.60

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420
Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
1/8/2020	4538

BILL TO

Norman Gordon Law
Norman Gordon
221 N. Kansas St., Suite 700
El Paso, TX 79901

PROJECT

EPE 19 TCRF 49148

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	1	270.00	270.00
Work Completed thru - December 31, 2019	TOTAL DUE \$270.00		

Monthly Recap

Karl Nalepa

Date	Task	Hours
<i>September 13, 2019</i>	Review settlement documents.	0.50
<i>November 21, 2019</i>	Review proposed Order.	0.20
<i>December 13, 2019</i>	Review Chairman's memo and monitor Open Meeting discussion.	0.30
		1.00