



Filing Receipt

Received - 2021-11-01 01:23:25 PM
Control Number - 52195
ItemNumber - 333

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

APPLICATION OF EL PASO ELECTRIC COMPANY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
------------------------------------------------------------------------	----------------------	-------------------------------------------------------------------

**EL PASO ELECTRIC COMPANY’S PETITION FOR REVIEW OF THE
CITY OF EL PASO’S ORDINANCE AND MOTION TO CONSOLIDATE**

El Paso Electric Company (“EPE”) hereby appeals the rate decision adopted by the City of El Paso. This appeal is filed pursuant to Sections 33.051 and 33.053 of the Public Utility Regulatory Act (“PURA”). In support of this appeal and motion, EPE shows the following:

I. EPE’S REQUESTED RATE INCREASE

On June 1, 2021, EPE filed with the Public Utility Commission of Texas (“Commission”) a statement of intent and application for authority to increase its electric utility rates to be charged within the areas over which the Commission has original jurisdiction. That statement of intent and application was assigned PUC Docket No. 52195. EPE concurrently filed a similar statement of intent and application with each municipality with original jurisdiction over EPE’s rates.

II. ACTION BY THE CITY OF EL PASO

On October 20, 2021, the City of El Paso denied EPE’s proposed rate change. EPE has received a Resolution dated October 20, 2021 that reflects this action. The Resolution is attached to this Petition.

III. JURISDICTION

The Commission has jurisdiction over this appeal pursuant to PURA §§ 32.001(b) and 33.051.

IV. MOTION TO CONSOLIDATE

EPE requests that its appeal of the City of El Paso’s ordinance be consolidated with Docket No. 52195. This appeal involves issues of law and fact common to those involved in Docket No. 52195 and PURA § 33.054 authorizes the Commission to enter a final order establishing rates on a *de novo* basis on appeal of all such municipal rate ordinances. Separate hearings of this appeal and Docket No. 52195 would result in unwarranted expense, delay, or substantial injustice.

V. CONCLUSION

EPE requests that the Administrative Law Judge enter an order consolidating the appeal of the ordinance adopted by the City of El Paso with Docket No 52195. EPE further requests that EPE be granted the rate relief as requested in its statement of intent and application.

Respectfully submitted,

Bret J. Slocum

State Bar No. 18508200

bslocum@dwmrlaw.com

Casey Bell

State Bar No. 24012271

cbell@dwmrlaw.com

Laura B. Kennedy

State Bar No. 24041234

lkennedy@dwmrlaw.com

Duggins Wren Mann & Romero, LLP

P.O. Box 1149

Austin, Texas 78767

(512) 744-9300

(512) 744-9399 (fax)

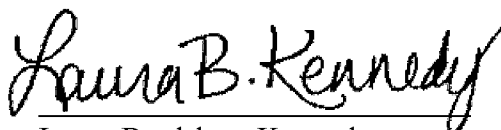
By:


Laura Bradshaw Kennedy

**ATTORNEYS FOR EL PASO ELECTRIC
COMPANY**

CERTIFICATE OF SERVICE

A copy of the foregoing Petition for Review of the City of El Paso's Ordinance and Motion to Consolidate has been served by email, upon all parties of record on this November 1, 2021. In addition, a copy of the foregoing Petition for Review of the City of El Paso's Ordinance and Motion to Consolidate has been served by email on the City of El Paso on this November 1, 2021.



Laura Bradshaw Kennedy

RESOLUTION

WHEREAS, El Paso Electric Company, distributes electric power within the City Limits of the City of El Paso pursuant to a franchise granted to El Paso Electric Company dated as of July 15, 2005, as amended, and is an electric utility;

WHEREAS, on June 1, 2021, El Paso Electric Company ("EPE" or the "Company"), filed with the City of El Paso its Application of El Paso Electric Company to Change Rates;

WHEREAS, pursuant to applicable law, the City of El Paso maintains original jurisdiction over rates of El Paso Electric Company for rates charged within the City limits of the City of El Paso, and

WHEREAS, on June 22, 2021, pursuant to the Public Utility Regulatory Act, Texas Utilities Code Section 36.108, the City of El Paso, as regulatory Authority, suspended the proposed rate change subject to the City's jurisdiction for a period of 90 days after the proposed date the change would otherwise be effective; and


WHEREAS, the City Council has determined the both the amount of the rate request filed and the rate design proposals in the Company's application are unreasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

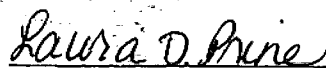
1. That the rate increase, rate class changes, and rate design changes identified in the Application of El Paso Electric Company to Change Rates filed June 1, 2021, is in all things denied.
2. That the City Manager shall so notify El Paso Electric Company by having a copy of this Resolution delivered or mailed to the Chief Executive Officer of the Company.

APPROVED by the CITY COUNCIL of the CITY OF EL PASO, TEXAS, this 20th day of October, 2021.


CITY OF EL PASO


Oscar Leeser
Mayor

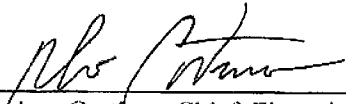
ATTEST:


Laura Prine
City Clerk

APPROVED AS TO FORM:


Karla Nieman, City Attorney
EPE Rate Application Denial Resolution

APPROVED AS TO CONTENT:


Robert Cortinas, Chief Financial Officer