



## Filing Receipt

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

<b>APPLICATION OF EL PASO</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>ELECTRIC COMPANY TO</b>	<b>§</b>	<b>OF</b>
<b>CHANGE RATES</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**EL PASO ELECTRIC COMPANY’S FIRST REQUEST FOR INFORMATION TO**  
**CITY OF EL PASO**

El Paso Electric Company (“EPE”) requests that the City of El Paso (“CEP”) answer under oath this First Request for Information (“RFI”), numbered EPE 1-1 through EPE 1-17. The answers should be provided in sufficient detail to present all relevant facts. These requests are deemed to be continuing and require further and supplemental responses from a party if it receives or generates additional information within the scope of these data requests between the time of the original responses and the time of the hearing in this proceeding. These responses are due within five (5) working days of service.

This is a request to fully respond to the attached RFIs and to produce any of the designated documents or tangible things that are described in the attached RFIs. Production of responses to the designated Requests should be made to:

Marvin C. Hutcheson  
Manager – Regulatory Case Management  
El Paso Electric Company  
100 N. Stanton Street  
El Paso, Texas 79901  
(915) 543-4354  
[curtis.hutcheson@epelectric.com](mailto:curtis.hutcheson@epelectric.com)

Respectfully submitted,

Bret J. Slocum

State Bar No. 18508200

[bslocum@dwmrlaw.com](mailto:bslocum@dwmrlaw.com)

Casey Bell

State Bar No. 24012271

[cbell@dwmrlaw.com](mailto:cbell@dwmrlaw.com)

Laura B. Kennedy

State Bar No. 24041234

[lkennedy@dwmrlaw.com](mailto: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 document has been served by email upon all parties of record on this November 5, 2021.

  
Laura Bradshaw Kennedy

## **DEFINITIONS AND INSTRUCTIONS**

1. A reference to “EPE” or the “Company” shall mean El Paso Electric Company.
2. The term “Commission” refers to the Public Utility Commission of Texas.
3. Reference to “you” or “your” means all divisions, departments, bureaus, or agencies of the party served, and all witnesses whose testimony the respective party to which this Request is submitted intends to present to the Public Utility Commission of Texas, and all persons acting or purporting to act for or on behalf of the respective party, including all staff, employees, agents, representatives, attorneys, consultants, economists, engineers, and accountants.
4. “Document” or “documents” is intended to be comprehensive and shall mean every original (or an identical copy if the original is unavailable) and every copy which differs in any way from the original of every writing, recording (e.g., photograph, videotape, audiotape), or other tangible expression, whether handwritten, typed, drawn, sketched, printed, or recorded by any physical, mechanical, electronic, or electrical means whatsoever, and shall be construed to the fullest extent of the Commission Procedural Rules and the Texas Rules of Civil Procedure, and shall include, without limitation all agreements, contracts, communications, correspondence, letters, telegrams, telexes, messages, memoranda, records, reports, books, summaries, tape recordings or other records of personal conversations, minutes or summaries or other records of meetings and conferences, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, financial statements, work sheets, workpapers, drafts, graphs, maps, charts, tables, accounts, analytical records, consultants’ reports, appraisals, bulletins, brochures, pamphlets, circulars, trade letters, press releases, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, advertising, recommendations, printouts, compilations, tabulations, analyses, studies, surveys, transcripts of hearings, transcripts of testimony, affidavits, expense reports, microfilm, microfiches, articles, speeches, tape or disk recordings, sound recordings, video recordings, film, tape, photographs, punch cards,

programs, data compilation from which information can be obtained (including matter used in data processing) and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, electronically-stored matter, however and by whomever produced, prepared, reproduced, disseminated, or made.

5. “Person” means any natural person, firm, association, partnership, joint venture, corporation, estate, trust, receiver, syndicate, municipal corporation, government agency, any other form of legal entity, and other group or combination acting as a unit.
6. “Relating to” a subject means making a statement about, mentioning, referring to, discussing, describing, reflecting, identifying, dealing with, consisting of, constituting or in any way pertaining, in whole or in part, to the subject.
7. The words “communication” or “communications” include any verbal conversations or any other statement from one person to another, including but not limited to, any interview, conference, conversation, discussion, meeting or telephone conversation.
8. “Identify” means:
  - a. as to a “person,” stating his, her or its:
    - (i) legal, full and customarily used names;
    - (ii) present residential or business address;
    - (iii) job title; and
    - (iv) name of employer.
  - b. as to a document, act, event, transaction or occurrence, stating:
    - (i) its date, authors or participants;
    - (ii) the place where it took place, was created or occurred;
    - (iii) its purpose and subject matter; and
    - (iv) a concise description of what transpired.
9. “Including” means and refers to “including but not limited to.”
10. Use of the singular or plural word form in a data request is not to be interpreted to exclude information or documents from the scope or intent of the specific request.

11. For each response, please restate the RFI and identify the individual(s) responsible for preparing and sponsoring the response by name and title.
12. For each document produced that is generated by computer, please identify:
  - a. the nature and source of the data constituting the input;
  - b. the form of the input (*e.g.*, tapes, punch cards);
  - c. the recording system employed (*e.g.*, program, flow charts); and
  - d. the person(s) responsible for processing the input and/or performing the programming.
13. If the response to any request is voluminous, please provide a detailed index of the voluminous material, pursuant to 16 TEX. ADMIN. CODE § 22.144(h)(4).
14. If the information requested was included in previously furnished exhibits, schedules, work papers, responses to other discovery inquiries, or otherwise, in hard copy or electronic format, please furnish specific references to the previously furnished materials, including Bates Stamp page citations and detailed cross-references.
15. If, in answering any of these requests, there is any ambiguity in interpreting either the request or a definition or instruction applied thereto, please contact EPE's attorneys, Bret Slocum at (512) 703-4531 or Laura Kennedy at (512) 495-8869.
16. If an RFI calls for production of a document that was, but is no longer, in your possession, or subject to your control, or in existence, state whether it:
  - a. is missing or lost;
  - b. has been destroyed;
  - c. has been transferred, voluntarily or involuntarily to others; or
  - d. has been otherwise disposed of; and in each instance, explain the facts concerning how the document became unavailable; state the date or approximate date of the unavailability; the contents of the document; and the person who authorized the transfer, destruction or other disposition of said document. Documents prepared

prior to, but which relate to or refer to, the time period covered by these RFIs are to be identified.

17. If you decline to respond to any request for information or data on the basis of privilege, please state as to each such request an explanation for the refusal. Identify those documents and communications that are withheld from the response to each specific data request. The identification shall be served within the time specified by the presiding examiner for this proceeding and in accordance with the Rules of the Commission, and shall:
  - a. specify the date of the document, its author(s) (with title and designation if an attorney), and recipients (with title and designation if an attorney);
  - b. contain a brief summary of the subject matter of the document; and
  - c. contain a brief statement of the reason that, in your opinion, the assertion of privilege is justified.



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

**EL PASO ELECTRIC COMPANY'S**  
**FIRST REQUEST FOR INFORMATION TO CITY OF EL PASO**

**EPE 1-1** Mr. Lawton states on page 51, lines 5-7 of his direct testimony, "...more important the direct assignment of all these solar resources to only New Mexico customers is very questionable. It is unusual that EPE would plan and develop system resources such that only certain jurisdictions could largely benefit from solar facilities."

What is Mr. Lawton's understanding of the history of why the solar resources in question were procured by EPE?

**EPE 1-2** Mr. Lawton recommends that: "For these reasons I have recommended that the proposed adjustment to recognize specifically assigned solar facilities in the jurisdictional allocator be denied." (page 52, lines 9-11 of Mr. Lawton's direct testimony). Please confirm that Mr. Lawton's recommendation and the City of El Paso's position is that the solar resources in question should be treated as system resources and the cost for them should be fully allocated as a system resource. If not, please explain.

**EPE 1-3** What is Mr. Lawton's understanding of the net impact on Texas jurisdictional costs of treating the solar resources referenced in EPE 1-2 as system resources, the cost of which is fully allocated, in contrast to the treatment proposed by EPE of directly assigning these resources?

Please answer EPE RFIs 1-4 through 1-14 regarding Mr. Johnson's recommendation to deny EPE's proposed annualization of the test-year for test-year energy efficiency savings:

**EPE 1-4** Admit or deny that it is typical in a rate proceeding to adjust test-year sales for both the year-end number of customers and to normalize the effects of weather. If denied, please explain.

**EPE 1-5** Admit or deny that with regard to the adjustment for test-year sales for year-end customers, if the year-end number of customers is greater than the average, it is not known with precision the amount of electricity additional customers would have used had they been customers for the entire year and therefore it is estimated. If denied, please explain.

**EPE 1-6** With regard to the customer adjustment, admit or deny that the accepted annualization adjustment for the test-year end number of customers adjusts test-year revenues by *estimating* the impact on revenues of the change in number of customers. If denied, please explain.

**EPE 1-7** Admit or deny that it is not known with precision the effect of weather on test-year consumption. If denied, please explain.

- EPE 1-8** Admit or deny that both the weather adjustment and the customer adjustment, though standard known and measurable adjustments to the test-year, are based on estimates. If denied, please explain.
- EPE 1-9** Admit or deny that the Commission's RFP Section O-1.4 explicitly allows the utility to provide adjusted test-year data by rate class based on "estimates." If denied, please explain.
- EPE 1-10** If a class loses customers during the test-year such that the test-year end is less than the average, does Mr. Johnson consider the customer annualization adjustment to be a lost-revenue adjustment for that class? Explain your answer.
- EPE 1-11** Admit or deny that in the case cited by Mr. Johnson on page 12, footnote 1, Docket No. 38213, the issue considered by the Commission with regard to CenterPoint's proposed Lost Revenue Adjustment Mechanism ("LRAM") was limited to whether the LRAM should be included in setting EECRF rates. If denied, please explain.
- EPE 1-12** Admit or deny that the Commission reasoned in its preliminary order in Docket No. 38213, cited by Mr. Johnson on page 3 of his direct testimony, that "[t]he receipt of less revenue than the utility projected is not spending or an expenditure made to satisfy the reduction in the annual growth of demand required by PURA § 39.905 and may not, therefore, be recovered through its EECRF."
- EPE 1-13** Admit or deny that with regard to Docket No. 38339, the adjustment to CenterPoint's 2009 test-year revenues that CenterPoint was requesting included projected savings from its energy efficiency programs for two years after the test-year (2010 and 2011). If denied, please explain.
- EPE 1-14** Admit or deny that with regard to the Proposal for Decision in Docket No. 49421, cited and quoted by Mr. Johnson on pages 12-13 of his direct testimony, the Commission explicitly stated that it "does not adopt the proposal for decision." (at page 2 of the Order in Docket No. 49421). If denied, please explain.
- EPE 1-15** Mr. Lawton states on Bates page 54, lines 13-15 of his direct testimony, "I recognize that different jurisdictions have different requirements that impact planning, but these differing planning requirements should not shift costs to other jurisdictional customers." Does Mr. Lawton believe that the cost associated with New Mexico's solar requirements should be shared by both jurisdictions?
- EPE 1-16** Is Mr. Lawton aware that New Mexico bears the cost of the New Mexico dedicated solar resources?
- EPE 1-17** Is Mr. Lawton aware of any other multijurisdictional-serving utilities that have built dedicated solar facilities for a specific jurisdiction?