



## Filing Receipt

**Received - 2021-11-12 02:20:42 PM**  
**Control Number - 52195**  
**ItemNumber - 373**

**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 SECOND REQUEST FOR INFORMATION AND  
ADMISSIONS TO COMMISSION STAFF**

El Paso Electric Company (“EPE”) requests that the Staff of the Utility Commission of Texas (“Staff”) answer under oath this Second Request for Information (“RFI”), numbered EPE 2-1 through EPE 2-3. 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

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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 12, 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.

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**PUC DOCKET NO. 52195**

**EL PASO ELECTRIC COMPANY'S**  
**SECOND REQUEST FOR INFORMATION TO COMMISSION STAFF**

**EPE 2-1** On page 29 of her testimony, Staff witness Sears cites three dockets, (Docket No. 49411, Application of CenterPoint Energy Houston Electric, LLC for Authority to change Rates, Docket No. 49494, Application of AEP Texas Inc. for Authority to Change Rates, and Docket No. 49831, and Application of Southwestern Public Service Company for Authority to Change Rates) in support of the three additional financial protection measures Ms. Sears recommends that the Commission require EPE to adopt. With regard to the first financial protection measure (“If EPE’s issuer credit rating is not maintained as investment grade by S&P or Moody’s, EPE will not use its below-investment-grade ratings to justify an argument in favor of a higher regulatory ROE”), please answer the following questions:

- a. Identify which finding of fact in each of the cases cited by Ms. Sears adopts this financial protection measure.
- b. Explain how such a commitment to not consider financial market credit ratings is consistent with the premise, discussed by Ms. Sears on pages seven to eight of her testimony, that the return should be reasonably sufficient to assure confidence in the financial soundness of the electric utility and should be adequate, under efficient and economical management, to maintain and support its credit and enable it to raise the money necessary for the proper discharge of its public duties.

**EPE 2-2** With regard to the second financial protection measure recommended by Ms. Sears on page 29 of her testimony (“EPE’s debt will not be secured by non-EPE assets”), is it Ms. Sears or Staff’s contention that under the Regulatory Commitments ordered in Docket No. 49849 EPE could currently secure debt with non-EPE assets?

**EPE 2-3** With regard to the third financial protection measure recommended by Ms. Sears on page 29 of her testimony (“Except for access to the utility money pool and use of shared assets governed by the Commission’s affiliate rules, EPE will not commingle its assets with those of SJH or IIF”), please answer the following questions:

- a. Is it Ms. Sears or Staff’s position that absent this financial protection measure, the Commission’s affiliate rules are inadequate protection of customers from potential commingling of assets by EPE with its affiliates?
- b. Is it Ms. Sears or Staff’s position that the Regulatory Commitments ordered in Docket No. 49849 do not prohibit EPE from commingling its assets with SJH or IIF beyond what is allowed under the Commission’s affiliate rules?

- c. Is it Ms. Sears or Staff's position that if the Commission were to adopt this measure, that EPE would be authorized to have access to a utility money pool irrespective of any Regulatory Commitments ordered in Docket No. 49849?