



Control Number: 52195



Item Number: 39

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

2021 JUL -1 PM 2:09

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

**CITY OF EL PASO'S FIFTH REQUESTS FOR INFORMATION
TO EL PASO ELECTRIC COMPANY QUESTIONS CEP 5-1 THROUGH CEP 5-42**

The City of El Paso (the "City") requests that the El Paso Electric Company ("EPE") provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within twenty (20) calendar days. Please copy the question immediately above the answer to each question. The question(s) are continuing in nature, and if there is a relevant change in circumstances, such as that new or additional information or review reveals that an answer previously made is no longer complete or is inaccurate, that EPE submit an amended answer, under oath, as a supplement to your original answer within five days of the discovery of new or additional information. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

The City requests that EPE serve its respective responses to this Request on the following person via electronic mail and delivery of hard copies:

Norman J. Gordon
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El Paso, Texas, 79940
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Arambulaml@elpasotexas.gov

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DEFINITIONS AND INSTRUCTIONS

1. This Request is directed to El Paso Electric Company ("EPE"). Reference to EPE, **"you" or "your"** means all divisions, departments, bureaus, agencies, and all witnesses whose testimony EPE intends to present, and all persons acting or purporting to act for or on behalf of EPE, including its directors, officers, employees, and agents.

2. The terms **"document" and "documents"** are used in their broadest sense and shall mean and include all written, printed, electronic, typed, recorded, or graphic matter of every kind and description, including drafts, originals and copies, and all attachments and appendices thereto. Without limiting the foregoing, the terms "document" or "documents" shall include 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 negotiations, other summaries, diaries, diary entries, calendars, appointment books, time books, time records, instructions, work assignments, financial statements, work sheets, workpapers, drafts, graphs, maps, charts, tables, accounts, analytical records, consultant 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.

3. **"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.

4. **"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.

5. **"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.

6. For each response, please state the Request for Information and identify the individual(s) responsible for preparing and sponsoring the response by name and title.

7. Pursuant to Rule 196.4, Texas Rules of Civil Procedure, any electronic or magnetic data included in the definition of document should be produced on a CD-ROM or similar media that is compatible with Microsoft Office software.

8. 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.

9. **"Each"** shall be construed to include the word **"every"** and **"every"** shall be construed to include the word **"each"**.

10. **"Any"** shall be construed to include **"all"** and **"all"** shall be construed to include **"any."**

11. The terms **"and"** and **"or"** shall be construed as either disjunctive or conjunctive as necessary to make this request inclusive rather than exclusive.

12. The term **"concerning"** includes the following meanings: relating to; pertaining to; regarding; discussion; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically, or factually connected to the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

13. The term **"including"** means and refers to "including but not limited to."

14. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

15. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

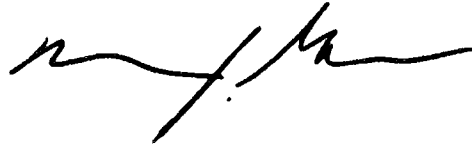
Dated July 1 , 2021

Respectfully submitted,

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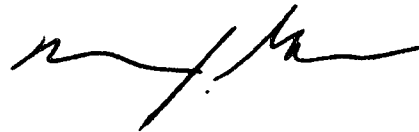
Attorneys for the City of El Paso



By: _____
Norman J. Gordon

Certificate of Service

I certify that a true and correct copy of this document was served by e-mail and/or US mail on all parties of record in this proceeding on July 1, 2021.



Norman J. Gordon

PUC Docket No. 52195
City of El Paso's RFIs
Questions CEP 5-1---CEP 5-42

- CEP 5-1** Refer to the Direct Testimony of EPE witness Doyle in Docket 49148 at Page 15, Lines 18-19, and this docket Pages 22-line 1—page 26-line 11, Please provide the right of way renewal agreement with the Isleta Pueblo Tribe.
- CEP 5-2** Refer to the Direct Testimony of EPE witness Doyle in Docket 49148 at Page 16, Lines 5-6, and this Docket Page 22-line 1—Page 26 Line 11 Please provide the original 1967 right of way agreement with the Isleta Tribe.
- CEP 5-3** Reference the Direct Testimony of EPE witness Doyle, at Page 23 lines 5, please identify the counsel who provided the information referenced on lines 8-9, and a copy of such communication and/or notes made of such communication.
- CEP 5-4** Reference the Direct Testimony of EPE witness Doyle at page 23, lines 11-20, please confirm that EPE did not rely on the report entitled “Energy Policy Act of 2005, Section 1813 Indian Land Rights-of-Way Study” attached as Exhibit RCD-6 at the time EPE’s decision was made for the payment of S\$16.82 million for the right-of-way extension, project TL-249
- CEP 5-5** Reference the Direct Testimony of EPE witness Doyle at Page 24, line 4—page 25, line 13, please identify who prepared the presentation to the EPE Board of Directors, who made the presentation, the date the presentation was made, and provide a copy of any recommendations made to the Board of Directors
- CEP 5-6** Reference the Direct Testimony of EPE witness Doyle at page 24, line 4—page 25, line 13, please identify the dates any other presentations were made to the board of directors concerning Project TL-249, who made the presentation to the Board of Directors, the date the presentation was made, and provide any written presentation made at that time.
- CEP 5-7** Refer to the Direct Testimony of EPE witness Doyle in Docket 49148, 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.

- CEP 5-8** Refer to the Direct Testimony of EPE witness Doyle at in Docket 49148, at Page 16, Lines 17-18, and the Direct Testimony of EPE witness Doyle in this Docket Page 24, line 4—Page 25 line 13, . Please provide all other presentations to the Board of Directors prior to its approval of the Isleta land rights renewal agreement, including the date made, the, the person or persons making the presentation and minutes of any action taken.
- CEP 5-9** 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.
- CEP 5-10** Refer to the Direct Testimony of EPE witness Doyle in Docket 49148, at Page 37, Lines 8-10. Please provide the right of way renewal agreement with the U.S. Bureau of Land Management.
- CEP 5-11** Refer to the Direct Testimony of EPE witness Doyle in Docket 49148 at Page 37, Lines 8-10. Regarding the right of way renewal agreement, please provide:
- a. the previous right of way agreement with the U.S. Bureau of Land Management.
 - b. the effective date of the previous right of way agreement.
 - c. the length of the right of way for each of the lines.
- CEP 5-12** 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.
- CEP 5-13** Refer to the response to CEP 1-6. In Docket 49148 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.”
- CEP 5-14** Refer to the response to CEP 1-7 in Docket 49148. Please confirm that EPE does not pay a ROW fee to the U.S. Bureau of Land Management, or if it does, identify the specific paragraph in the ROW agreement that specifies the amount of the fee.
- CEP 5-15** Please provide any analysis performed by EPE in connection with project TL-249 which analyzed any benefit to shareholders from the transaction.

- CEP 5-16** To the extent not provided in the responses to RFI's 5-1 through 5-15 above, please provide all analyses performed concerning the final price paid for the 25-year right-of-way in project TL-249
- CEP 5-17** To the extent not provided in the responses to RFI's 5-1 through 5-16, please provide any analyses performed of the effects of EPE's decisions concerning project TL-249 on ratepayers.
- CEP 5-18** Please provide a detailed explanation of Mr. Doyle's involvement in the negotiations, document preparation and decisions concerning Project TL-249
- CEP 5-19** Please provide a detailed explanation of Mr. Doyle's experience in negotiating right-of-way agreements and/or easements with Native American tribes prior to the Agreement in Project TL-249.
- CEP 5-20** Please provide a detailed explanation of Mr. Doyle's experience in negotiating right-of-way agreements and/or easements with Native American tribes after the agreement in Project TL-249.
- CEP 5-21** Please provide project descriptions, in-service dates, and cost/benefit summaries for each general and intangible plant capital project having a cost more than \$2 million which is being included in EPE's rate base for the first time in this case.
- CEP 5-22** Please provide EPE's Total System annual peak demand, along with annual kWh energy sales and the year-end number of customers by rate class for each of the last five calendar years and for the Test Year.
- CEP 5-23** Please provide EPE's Texas Retail jurisdiction annual peak demand and energy sales by rate class for each of the last five calendar years and for the Test Year.
- CEP 5-24** Please provide electronic copies of EPE's annual FERC Form 1 reports for each of the last five calendar years.
- CEP 5-25** Reference page 15 of EPE witness Schichtl's direct testimony, please provide the number of customers in each class that are served under TOD rates, and provide the average rates of customers served under TOD rates and the estimated peak demand associated with such rates.
- CEP 5-26** Reference page 16 of EPE witness Schichtl's direct testimony, please provide the capital investment by EPE since 2011 at each power plant to

winterize plants to withstand severe cold weather events and summarize major projects for winterization which are included in this investment.

- CEP 5-27** Reference page 8 of EPE witness Olson's direct testimony, please provide any direct testimony filed by EPE in Texas or other jurisdictions addressing the referenced Newman 5 steam turbine lubrication oil control system failure.
- CEP 5-28** Reference page 8 of EPE witness Olson's direct testimony, please provide any regulatory disallowances of costs incurred due to the referenced Newman 5 steam turbine lubrication oil control system failure, along with the regulatory orders addressing any such disallowances.
- CEP 5-29** Reference page 8 of EPE witness Olson's direct testimony, please provide any root cause analysis prepared by or for EPE addressing the referenced Newman 5 steam turbine lubrication oil control system failure and related damages.
- CEP 5-30** Reference page 8 of EPE witness Olson's direct testimony, please provide EPE's insurance claims and supporting analysis addressing the cause and damage costs associated with the referenced Newman 5 steam turbine lubrication oil control system failure.
- CEP 5-31** Reference page 12 of EPE witness Olson's direct testimony, please provide the estimated lead times for delivery of replacement boosters or power turbines in the event of a failure of these critical components.
- CEP 5-32** Reference page 12 of EPE witness Olson's direct testimony, please provide the estimated capacity loss (MW) due to failure of an LMS100 booster or power turbine.
- CEP 5-33** Reference page 12 of EPE witness Olson's direct testimony, please provide the estimated lead times for delivery of a replacement booster or power turbines in the event of a failure of these critical components.
- CEP 5-34** Reference page 12 of EPE witness Olson's direct testimony, please provide the capital cost of the referenced spare LMS100 power turbine.
- CEP 5-35** Reference page 12 of EPE witness Olson's direct testimony, please provide the capital cost of the referenced spare LMS100 booster.
- CEP 5-36** Reference page 12 of EPE witness Olson's direct testimony, please provide the date and duration of past forced outages due to failure of a LMS100

power turbine owned by EPE along with the estimated replacement power costs due to each failure.

- CEP 5-37** Reference page 12 of EPE witness Olson's direct testimony, please provide the date and duration of past forced outages due to failure of a booster on an LMS100 owned by EPE along with the estimated replacement power costs due to each failure.
- CEP 5-38** Reference page 12 of EPE witness Olson's direct testimony, please provide the annual cost of the referenced GE multi-year service agreement and a copy of the agreement.
- CEP 5-39** Reference page 12 of EPE witness Olson's direct testimony, please indicate whether the referenced GE multi-year service agreement has been reviewed and approved by the Commission, and if so, provide the date and docket number of the order approving the agreement.
- CEP 5-40** Reference page 12 of EPE witness Olson's direct testimony, please explain whether the referenced GE multi-year service agreement with EPE provides for replacement costs of equipment due to failure of LMS100 boosters or power turbines.
- CEP 5-41** Please provide the annual EAF, capacity factor, and forced outage hours for each EPE local area generating unit for each of the last five calendar years.
- CEP 5-42** Please provide the monthly net generation, average capacity factor, and forced outage hours for each EPE local area generating unit for each month of 2020.