



## Filing Receipt

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

<b>APPLICATION OF EL PASO ELECTRIC COMPANY TO CHANGE RATES</b>	<b>§ § §</b>	<b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>
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**FREEPORT-MCMORAN, INC.'S FIRST REQUESTS  
FOR INFORMATION TO CITY OF EL PASO**

Freeport-McMoRan, Inc. ("FMI") requests that you answer and provide information in response to the attached questions under oath. FMI further requests that you answer the questions in the order in which they are asked with as much detail so as to fully present all of the relevant facts.

**Instructions**

Please answer the attached questions on separate pages and copy the question immediately above the answer to each question. Following each answer, please identify the witness or witnesses who will sponsor each of your answers at the hearing in this PUC Docket No. 52195. These questions are continuing in nature and, should there be a change in circumstances that would modify or change any of your answers, then, in such case, please change or modify such answer and submit such changed answer as a supplement to the original answer within five (5) working days of your discovery that such change or modification is appropriate.

In answering these requests for information, you are requested to furnish such information as is available to you, including information which you are able to obtain by due diligence from your present or former attorneys, accountants, investigators, consultants, employees, agents, and persons acting on your behalf. To the extent any information responsive to a general question is also responsive to another more specific question, provide the information in response to the more specific request.

To the extent any question calls for you to provide documents, furnish such documents in native format, with all formulas intact.

If you are unable to answer any request fully and completely after exercising due diligence to make inquiry and to secure information, you are to answer such request as fully and completely as you can and to specify the portions which you are unable to answer in such request. In addition to specifying those portions, you are to state with regard to each portion:

- (1) The fact on which you base the contention that you are unable to answer that portion;
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- (3) The acts done and inquiries made by you in attempting to answer such request.

The singular includes the plural and the plural includes the singular.

Masculine, feminine, or neuter pronouns do not exclude the other genders.

The words “document” and “documents” have the broadest meaning that can be ascribed to them pursuant to the Texas Rules of Civil Procedure. Among other things, the words “document” and “documents” mean the final form and **all drafts and revisions of any kind** of written or graphic matter, original or reproduced copy, however produced or reproduced, of any kind and of every kind, and all copies there from that are different in any way from the original regardless of whether designated “confidential,” “privileged,” or otherwise restricted. Without limiting the generality of the foregoing, the words “document” and “documents” also include information stored or maintained on, or which could be reproduced from, any form of physical or electronic storage or storage device including, without limitation, film, microfilm, computer printout, disk or diskette, magnetic tape, cassette, phonographic disc, videotape, compact disk, DVD, or similar means.

The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to bring within each request all documents which might otherwise be construed as outside its scope.

The words “communication” and “communications” include, without limitation of their generality, both written and oral: statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia. These words include, without limitation of their generality, both communications and statements that are face-to-face and those that are transmitted by any writing or document or by media of any kind. These words also include any communications and statements that are transmitted electronically or wirelessly, through means such as, but not limited to, email or text messages.

The words “identify” and “identification,” when used with respect to a natural person or persons, mean to state the name, address(es) and telephone number(s) of each such person. If any of the foregoing information is not available, state any other available means of identifying such person.

The words “identify” and “identification,” when used in reference to a person other than a natural person, mean to set forth its:

- (1) full name or title;
- (2) nature or organization, including the state under which the same was organized or incorporated;
- (3) address and telephone number (with area code prefix); and
- (4) principal line of business.

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The words “identify” and “identification,” when used in reference to a document, mean to state:

- (1) its date;
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the information referred to can be found. A true and correct copy of any document may be produced and filed with your Answers hereto in lieu of the above information.

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- (6) to identify each person repeating such oral communication;
- (7) to identify every document which records, memorializes, or relates to all or part of such communication; and
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The words “person” and “persons” as used herein, mean all individuals and entities, and shall be deemed to include natural persons, firms, partnerships, associations, organizations, joint ventures, corporations, and any other entities.

The words “relate,” “related,” “relates,” and “relating,” as used herein, mean involving, relating to, referring to, having any relationship to, pertaining to, evidencing or constituting evidence of, in whole or in part.

All computer readable data should be provided on CD ROMs, DVDs or flash drives for use on PC-compatible machines. FMI will provide a sufficient amount of CDs, DVDs, or flash drives if requested by you before time for your response.

If you have any question concerning the attached Questions or any of these instructions, please contact Katherine K. Mudge at (512) 615-1233.

Unless the specific question permits a longer time period, answers to this Request for Information should be served on FMI and filed with the Public Utility Commission of Texas within five (5) working days from your receipt of said request. Service on FMI should be made as follows:

Andrew Kever  
Katherine K. Mudge  
ENOCH KEVER PLLC  
7600 N. Capital of Texas Hwy  
Building B, Ste 200  
Austin, Texas 78731  
(512) 615-1198 (fax)  
[akever@enochkever.com](mailto:akever@enochkever.com)  
[kmudge@enochkever.com](mailto:kmudge@enochkever.com)

**Respectfully submitted,**

**Freeport-McMoRan, Inc.**  
Pete Ewen  
Regulatory Strategy Lead  
Energy & Power Management  
Freeport McMoRan Mining Co.  
333 N. Central Ave., Ste 20.146  
Phoenix, AZ 85004-2121  
[pewen@fmi.com](mailto:pewen@fmi.com)

**ENOCH KEVER PLLC**  
Andrew Kever  
State Bar No. 11367050  
Katherine Mudge  
State Bar No. 14617600  
Enoch Kever PLLC  
7600 N. Capital of Texas Hwy  
Building B, Suite 200  
Austin, TX 78731  
512.615.1200 (phone)  
512.615.1198 (facsimile)  
[akever@enochkever.com](mailto:akever@enochkever.com)  
[kmudge@enochkever.com](mailto:kmudge@enochkever.com)

By:   
\_\_\_\_\_  
**ATTORNEYS FOR FREEPORT-  
MCMORAN, INC.**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served by electronic mail, on all parties of record in this proceeding on November 23, 2021, in accordance with Order No. 2 in this Docket 52195.



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Katherine K. Mudge

### **ADDITIONAL DEFINITIONS**

1. The words “EPE,” “Company,” “you,” “your,” and “yours” refer to El Paso Electric Company and any and all of its attorneys, employees, consultants, contractors, or representatives.
2. “PUC” or “Commission” means the Public Utility Commission of Texas.
3. “FMI” means EPE’s customer, Freeport-McMoRan, Inc.

**FREEPORT-MCMORAN, INC.'S FIRST**  
**REQUEST FOR INFORMATION TO CITY OF EL PASO**

*The following Interrogatories pertain to the Rebuttal Testimony of Clarence L. Johnson.*

**FMI 1-1** Referring to page 6:

- a. Explain how Mr. Johnson defines and state the specific numerical criteria for determining "a reasonable range" in deciding what load factor to use with the AED-4CP formula.
- b. State whether Mr. Johnson believes the average demand is measured based on the amount of energy consumed (adjusted for losses) during a single calendar year.

**FMI 1-2** Referring to page 7:

- a. State Mr. Johnson's definition of high load factor on lines 8-11.
- b. What is the basis for Mr. Johnson's opinion that the three industrial classes cited on pages 6-7 all have high load factors?

**FMI 1-3** Referring to page 18, does the use of average demand in applying the AED-4CP method result in allocating the majority of load dispatch expense on an energy basis? If Mr. Johnson disagrees, explain how average demand does not assign costs throughout the year the same as an energy allocator.



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**Respectfully submitted,**

**Freeport-McMoRan, Inc.**

Pete Ewen  
Regulatory Strategy Lead  
Energy & Power Management  
Freeport McMoRan Mining Co.  
333 N. Central Ave., Ste 20.146  
Phoenix, AZ 85004-2121  
[pewen@fmi.com](mailto:pewen@fmi.com)

[mailto:Michael\\_McElrath@FMI.com](mailto:Michael_McElrath@FMI.com)

**ENOCH KEVER PLLC**

Andrew Kever  
State Bar No. 11367050  
Katherine Mudge  
State Bar No. 14617600  
Enoch Kever PLLC  
7600 N. Capital of Texas Hwy  
Building B, Suite 200  
Austin, TX 78731  
512.615.1200 (phone)  
512.615.1198 (facsimile)  
[akever@enochkever.com](mailto:akever@enochkever.com)  
[kmudge@enochkever.com](mailto:kmudge@enochkever.com)

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