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

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

**OFFICE OF PUBLIC UTILITY COUNSEL'S
RESPONSE TO FREEPORT-MCMORAN, INC.'S
FIRST REQUEST FOR INFORMATION**

The Office of Public Utility Counsel (“OPUC”) submits this response to Freeport-McMoRan, Inc.’s (“FMI”) First Request for Information that was received on November 23, 2021. Pursuant to State Office of Administrative Hearings Order No. 2, OPUC’s response is timely filed within 5 working days of receipt of FMI’s discovery request. OPUC stipulates that all parties may treat this response as if it were filed under oath.

Dated: December 1, 2021

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The following Interrogatories pertain to the Rebuttal Testimony of Evan D. Evans.

FMI 1-1:

Referring to page 19, state whether Mr. Evans was directly responsible for system planning decisions while he was employed by an investor owned utility and for each such utility, provide the scope of Mr. Evans' planning responsibilities and the duration of his employment in system planning activities.

RESPONSE:

Mr. Evans was never employed in the system planning departments for any investor-owned utility.

Mr. Evans's involvement with the system planning process, activities and decision-making responsibilities related to system resource planning for investor-owned electric utilities, including the following:

West Texas Utilities ("WTU") and Central and South West Corporation ("CSW")

- At the beginning of his career, he was trained to use PROMOD, production cost modeling software, and developed and ran PROMOD in conjunction with WTU's System Planning department personnel and assisted with the analytical cost support for system resource planning activities and plans within the CSW system (now a part of the American Electric Power Company); and
- Provided regulatory input into the development of system resource plans for WTU and CSW, provided rate and regulatory guidance in the development of the deliberative polling process and WTU's system resource plan filed in Public Utility Commission of Texas ("PUC") Docket No. 16995 - Joint Application of Central Power and Light Company, West Texas Utilities Company and Southwestern Electric Power Company for Approval of Preliminary Integrated Resource Plans and testified in Docket No. 16995.

El Paso Electric Company ("EPE")

- Provided rate and regulatory input into the development of system resource plans and review of plans;
- Reviewed and approved EPE's renewable energy procurement plans for filing with the New Mexico Public Regulation Commission ("NMPRC"), submitted testimony as policy witness and directed the preparation of the filings in EPE's Procurement Plan Pursuant to Renewable Energy Act in New Mexico for 2008, 2009, 2010 and 2011;

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- Directed the New Mexico stakeholder input process, provided regulatory review and approval and directed the preparation and filing of EPE’s 2009 and 2012 New Mexico Integrated Resource Plans; and
- Submitted testimony as policy witness and directed the preparation of the filings in EPE’s requests for certificates of convenience and necessity for Montana Power Station Units 1 through 4 in PUCT Docket Nos. 40301 and 41763 and NMPRC Case Nos. 12-00137-UT and 13-00297-UT.

Southwestern Public Service Company (“SPS”)

- Provided rate and regulatory input into the development of system resource plans and review of plans; and
- Provided regulatory review and approval and directed the preparation and filing of SPS’s 2015 and 2018 New Mexico Integrated Resource Plans.

Prepared by: Evan D. Evans

Sponsored by: Evan D. Evans

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The following Interrogatories pertain to the Rebuttal Testimony of Evan D. Evans.

FMI 1-2:

Referring to page 23, assuming that in a rate case coincident peak demands and energy usage are adjusted for the effects of weather and customer additions, would this provide a more stable measure of system load factor? If not, explain how Mr. Evans believes a more stable measure of system load factor can be determined.

RESPONSE:

Weather normalization adjustments, by their very nature, should eliminate some of the extreme variations in system load factor caused by weather. Mr. Evans does not have an opinion on how year-end customer adjustments would impact the stability of the calculated system load factor.

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The following Interrogatories pertain to the Rebuttal Testimony of Evan D. Evans.

FMI 1-3:

Referring to page 25, do lower load factor customers require the utility to install more load following generation capacity, all other things being equal? If the response is not an equivocal yes, explain why.

RESPONSE:

No. The combination of all system loads and customer usage characteristics drive the need to install more load following generation capacity.

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The following Interrogatories pertain to the Rebuttal Testimony of Evan D. Evans.

FMI 1-4:

Referring to page 27:

- a. Admit or deny that in Docket No. 40443, and more recently in Docket No. 51415, the Commission approved the use of a system load factor based on the actual system peak and energy usage data. If deny, explain why.
- b. Admit or deny that in Docket No. 51415, the Commission once again approved a 1CP load factor in applying the AED-4CP method. If deny, explain why.

RESPONSE:

- a. Admit in part and deny in part. The Commission approved the use of a system load factor based on the actual system peak and energy usage data for Southwestern Electric Power Company ("SWEPCO") in Docket No. 40443. However, at this time, the Commission has not issued a final appealable order in Docket No. 51415 that addresses this issue for SWEPCO.
- b. Deny. The Commission did not approve a 1CP load factor in applying the AED-4CP method in SWEPCO's previous rate case, Docket No. 40443. In addition, at this time, the Commission has not issued a final appealable order in Docket No. 51415 that addresses this issue for SWEPCO.

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The following Interrogatories pertain to the Rebuttal Testimony of Evan D. Evans.

FMI 1-5:

Referring to page 29, admit or deny that average demand measures each class's energy usage throughout the year. If deny, explain why.

RESPONSE:

Deny. Average demand for each class is the calculated annual average demand for that class based on the class's total annual energy usage and the number of hours in the year. Average demand does not measure each class's energy usage in every hour or segment of time throughout a year.

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The following Interrogatories pertain to the Rebuttal Testimony of Evan D. Evans.

FMI 1-6:

Referring to page 34, has Mr. Evans developed a class cost-of-service study that shows how the results have been distorted by the changes in demand and energy allocation factors since EPE's 2017 rate case? If so, provide a complete copy of the revised study (in "live" EXCEL format) and explain all of the adjustments made by Mr. Evans to remove all of the distortions.

RESPONSE:

No.

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The following Interrogatories pertain to the Rebuttal Testimony of Evan D. Evans.

FMI 1-7:

Admit or deny that in Docket No. 51415, the Commission approved a class revenue allocation based on the results of the cost-of-service study that did not take into account the impacts of COVID. If deny, explain why.

RESPONSE:

Deny. At this time, the Commission has not issued a final appealable order in Docket No. 51415 that addresses this issue for SWEPCO.

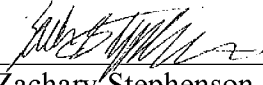
Prepared by: Evan D. Evans

Sponsored by: Evan D. Evans

December 1, 2021

Respectfully submitted,

Chris Ekoh
Interim Public Counsel
State Bar No. 06507015

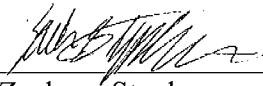


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ATTORNEYS FOR THE
OFFICE OF PUBLIC UTILITY COUNSEL

CERTIFICATE OF SERVICE
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I hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 1st day of December 2021 by facsimile, electronic mail, and/or first class, U.S. Mail.



Zachary Stephenson