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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	§	OF
	§	
CHANGE RATES	§	ADMINISTRATIVE HEARINGS

**CITY OF EL PASO’S EIGHTEENTH REQUESTS FOR INFORMATION
TO EL PASO ELECTRIC COMPANY QUESTIONS CEP 18-1THROUGH CEP 18-8**

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 (5) business 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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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.

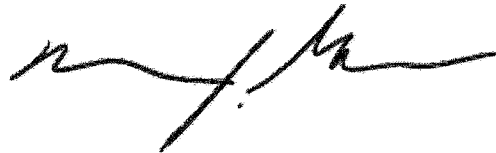
Dated December 6, 2021

Respectfully submitted,

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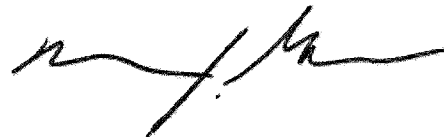
Attorneys for the City of El Paso



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 December 6, 2021.



Norman J. Gordon

PUC Docket No. 52195
City of El Paso's 18th RFIs to EPE
Questions CEP 18-1---CEP 18-8

Please reference the Rebuttal Testimony of Cynthia Prieto at pages 8-9-10 and 18 relating to Excess Deferred Income Taxes, (EDIT).

- CEP 18-1. **EDIT:** Did EPE verify that its NOL Carryforward-Federal is not protected using a “with and without” analysis? If so, please provide that “with and without” analysis.
- CEP 18-2. **EDIT:** Does EPE agree that a federal NOL Carryforward EDIT should be considered the result of accelerated tax depreciation if it is confirmed using the “with and without” analysis, and therefor protected? If not, please provide documentation supporting EPE’s position.
- CEP 18-3. **EDIT:** Please explain if and how EPE considers Capitalized Costs and Interest to be related to accelerated tax depreciation.
- CEP 18-4. **EDIT:** Please explain if and how EPE considers CIAC to be related to accelerated tax depreciation.
- CEP 18-5. **EDIT:** Please explain if and how EPE considers NOL Carryforward-State to be related to accelerated tax depreciation.
- CEP 18-6. **EDIT:** Please explain if and how EPE considers Repair Allowance to be related to accelerated tax depreciation.
- CEP 18-7. **EDIT:** Please explain if and how EPE considers Section 174 R&D to be related to accelerated tax depreciation.
- CEP 18-8. **Is Ms. Prieto** aware of Electric utilities in Texas that have flowed back unprotected EDIT on a more rapid basis than the ARAM method?
- a. If the answer is yes, please provide the names of the utilities and the Public Utility Commission of Texas Docket numbers that approved such flowback.

- b. If the answer is no, please identify what research Ms. Prieto conducted in order to know what actions have been taken by other utilities in Texas.