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

SOAH ORDER NO. 8
RULING ON OBJECTION TO CROSS-REBUTTAL TESTIMONY; AND
GRANTING MOTION TO CONSOLIDATE

I. OBJECTION

On December 1, 2021, El Paso Electric Company (EPE) timely objected to the cross-rebuttal testimony of Local 960 of the International Brotherhood of Electrical Workers (IBEW) lay witness David Bazar supporting EPE’s requested return on equity (ROE) on grounds that Mr. Bazar is not qualified under Texas Rule of Evidence 701. IBEW did not timely respond.¹ After considering the motion, EPE’s objection is **OVERRULED**. The administrative law judges (ALJs) find that EPE waived such objection when it failed to timely file an objection to Mr. Bazar’s October 22, 2021 prefiled direct testimony on the same issue.² Instead, the ALJs will give the testimony the appropriate weight with respect to the issue of calculating an ROE and consider the testimony only as an expression of community/interested party support for EPE’s requested ROE.

II. MOTION TO CONSOLIDATE

On December 10, 2021, EPE filed a Petition for Review of Resolutions and Orders of Municipalities and Motion to Consolidate. In its motion, EPE asserts that City of San Elizario, Town of Horizon City, and City of Clint rejected EPE’s proposed rate change and EPE appeals

¹ IBEW filed a response with SOAH, which this party has previously done. *See* SOAH Order No. 4. Filing with SOAH does not give the other parties proper notice of such filings. Accordingly, the response is disregarded. 1 TAC § 155.101(c).

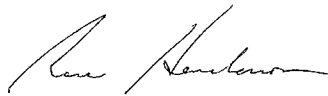
² *See Direct Testimony of International Brotherhood of Electrical Workers, Local 960, AFL-CIO* at p. 6 (Interchange item 278)

those decisions. EPE also notes that the City of Socorro has not taken a final action on EPE's proposed rate change but argues that Socorro's inaction should be considered a rejection of the proposed rate change in the interest of maintaining system-wide rates. EPE moved to consolidate its appeals of the municipal rate decisions, and no objection has been filed. Accordingly, the ALJs grant EPE's December 10, 2021 Motion to Consolidate.

SIGNED December 16, 2021.



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



ROSS HENDERSON
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



DANIEL WISEMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS