



## Filing Receipt

**Received - 2022-01-20 01:42:53 PM**  
**Control Number - 52195**  
**ItemNumber - 551**

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

**APPLICATION OF EL PASO  
ELECTRIC COMPANY TO CHANGE  
RATES**

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§  
§

**BEFORE THE STATE OFFICE  
  
OF  
  
ADMINISTRATIVE HEARINGS**

**CITY OF EL PASO'S SECOND MONTHLY SUPPLEMENTAL RATE CASE EXPENSE  
SUBMISSION**

The City of El Paso (the "City") submits its Second Monthly Supplemental Rate Case Expense Submission in this proceeding, attached. This submission supplements Exhibits JZB-RCE-3 and JZB-RCE-4, attached to the Direct Testimony of James Z. Brazell filed on October 22, 2021, in this matter, and the City's First Supplemental RCE Submission, filed on December 20, 2021, and is filed pursuant to the procedures proposed by the City for submission, consideration, and review of rate case expenses as the docket progresses in Mr. Brazell's October 22<sup>nd</sup> Testimony. The City requests that, after reasonable opportunity for objection, discovery, response, and a hearing, the actual rate case expenses and supporting data included in this filing be admitted into the evidentiary record in this case and be found by the Commission to support reimbursement of the City's rate case expenses incurred for participation in this proceeding.


Dated: January 20, 2022

Respectfully submitted,

Norman J. Gordon  
(ngordon@ngordonlaw.com)  
State Bar No. 08203700  
P.O. Box 8  
El Paso, Texas 79940  
221 N. Kansas, Suite 700  
El Paso, Texas 79901  
(915) 203-4883

Karla M. Nieman, City Attorney  
State Bar No. 24048542  
Frances M. Maldonado Engelbaum  
State Bar No. 24094272  
City of El Paso  
300 N. Campbell, 2nd Floor  
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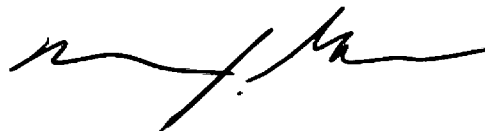
Attorneys for the City of El Paso



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 January 20, 2022.



\_\_\_\_\_  
Norman J. Gordon

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

**APPLICATION OF EL PASO  
ELECTRIC COMPANY TO CHANGE  
RATES**

**§  
§  
§**

**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**CITY OF EL PASO'S SECOND MONTHLY SUPPLEMENTAL RATE CASE EXPENSE  
SUBMISSION**

**EXHIBIT JZB-RCE-3 SECOND SUPPLEMENTAL**

**Summary of and Invoices and Source Documents for City of El Paso Rate Case Expenses  
for Participation in PUC Docket Nos. 52195 through December 31, 2021**

**Exhibit 3A Second Supplemental**  
**Summary of City of El Paso Rate Case Expenses for Participation in PUC Docket No.**  
**52195**

**Application of El Paso Electric Company for Authority to Change Rates through**  
**December 31, 2021**

<b>(a)</b> <b>Attorney/Consultant</b>	<b>(b)</b> <b>Invoice</b> <b>Date</b>	<b>(c)</b> <b>Invoice</b> <b>No.</b>	<b>(d)</b> <b>Billing</b> <b>Period</b>	<b>(e)</b> <b>Fees</b>	<b>(f)</b> <b>Expenses</b>	<b>(g)</b> <b>Invoiced</b> <b>Amounts</b>
<b>Legal Fees and Expenses</b>						
<b>Norman J. Gordon</b>	09/20/21	172	Mar-Aug 2021	\$39,095.00	\$0.00	\$39,095.00
	10/21/2021	176	Sep 2021	\$10,255	\$0.00	\$10,255.00
	11/23/2021	179	Oct 2021	\$27,475.00	\$81.43	\$27,556.43
	12/15/2021	180	Nov 2021	\$23,905.00	\$63.81	\$23,968.81
	1/17/2022	181	Dec 2021	\$35,770.00	\$0.00	\$35,770.00
			<b>Total</b>			<b>\$136,645.24</b>
<b>Molly Mayhall Vandervoort</b>	None	NA	NA	NA	NA	NA
			<b>Total</b>			<b>\$0.00</b>
<b>Snapper Carr, Curtis Seidlits</b>						
	1/18/2022	2100	Jun 8-Dec 31, 2021	\$21,490.00	\$0.00	\$21,490.00
			<b>Total</b>			<b>\$21,490.00</b>

<b>Consultants and Experts Fees and Expenses</b>						
<b>ReSolved Energy (Karl Nalepa)</b>						
	7/13/2021	4826	Jun 2021	\$2,214.00	\$0.00	\$2,214.00
	8/5/2021	4842	Jul 2021	\$2,871.00	\$0.00	\$2,871.00
	9/8/2021	4862	Aug 2021	\$2,115.00	\$0.00	\$2,115.00
	10/7/2021	4881	Sep 2021	\$1,782.00	\$0.00	\$1,782.00
	11/3/2021	4895	Oct 2021	\$12,456.00	\$0.00	\$12,456.00
	12/8/2021	4917	Nov 2021	\$2,970.00	\$0.00	\$2,970.00
	1/6/2022	4933	Dec 2021	\$9,342.00	\$0.00	\$9,342.00
			<b>Total</b>			<b>\$33,750.00</b>
<b>CJ Energy (Clarence Johnson)</b>	10/1/2021	1	Jul- Sep 2021	\$12,804.00	\$0.00	\$12,804.00
	11/2/2021	2	Oct 2021	\$11,022.00	\$0.00	\$11,022.00
	12/5/2021	3	Nov 2021	\$7,304.00	\$0.00	\$7,304.00
	1/13/2022	4	Dec 2021	\$2,350.00	\$0.00	\$2,350.00
			<b>Total</b>			<b>\$33,480.00</b>
<b>Dan Lawton</b>	8/9/2021	NA	Jul 2021	\$24,275.00	\$0.00	\$24,275.00

	9/9/2021	992021	Aug 2021	\$15,325.00	\$0.00	\$15,325.00
	10/9/2021	1092021	Sep 2021	\$11,000.00	\$0.00	\$11,000.00
	11/12/2021	11122021	Oct 2021	9,875.00	\$0.00	9,875.00
	12/13/2021	12132021	Nov 2021	6,125.00	\$0.00	6,125.00
	1/10/2022	1132022	Dec 2021	\$8,125.00	\$0.00	\$8,125.00
			<b>Total</b>			<b>\$74,725.00</b>
<b>Garrett Group (Mark Garrett)</b>	9/10/2021	NA	Aug 2021	\$25,435.00	\$1,017.40	\$26,452.40
	10/6/2021	NA	Sep 2021	\$7,005.00	\$280.20	\$7,285.20
	11/18/2021	NA	Oct 2021	\$27,950.00	\$0.00	\$27,950.00
	12/13/2021	NA	Nov 2021	\$11,230.00	(\$1,297.60)	\$9,932.40
	1/13/2022	NA	Dec 2021	\$8,055.00	\$0.00	\$8,055.00
			<b>Total</b>			<b>\$79,675.00</b>
<b>Resolve Utility (David Garrett)</b>	8/22/2021	000459	Jul 2021	\$2,750.00	\$0.00	\$2,750.00
	10/4/2021	000478	Aug 2021	\$9,550.00	\$0.00	\$9,550.00
	10/4/2021	000479	Sep 2021	\$3,200.00	\$0.00	\$3,200.00

	11/16/2021	000504	Oct 2021	\$10,800.00	\$0.00	\$10,800.00
	12/16/2021	000513	Nov 2021	\$3,550.00	\$0.00	\$3,550.00
	1/17/2022	000517	Dec 2021	\$3,450.00	\$0.00	\$3,450.00
			<b>Total</b>			<b>\$33,300.00</b>
<b>Norwood Energy (Scott Norwood)</b>						
	10/18/2021	EPE Rate Jun21	Jun 2021	\$5,720.00	\$0.00	\$5,720.00
	10/18/2021	Jul21	Jul 2021	\$7,920.00	\$0.00	\$7,920.00
	10/18/2021	Aug21	Aug 2021	\$8,360.00	\$0.00	\$8,360.00
	10/18/2021	Sep21	Sep 2021	\$8,800.00	\$0.00	\$8,800.00
	12/5/2021	EPERate OCT21	Oct 2021	\$15,620.00	\$0.00	\$15,620.00
	12/5/2021	EPERate NOV21	Nov 2021	\$7,370.00	\$0.00	\$7,370.00
	1/18/2022	EPERate DEC21	Dec 2021	\$2,750.00	\$0.00	\$2,750.00
			<b>Total</b>			<b>\$56,540.00</b>
<b>Law Ofc of James Z Brazell (James Brazell)</b>	10/20/2021	Inv21- 1760	Sep 2021	\$840.00	\$0.00	\$840.00
	12/15/2021	Inv21- 1763	Oct 2021	\$26,915.00	\$0.00	\$26,915.00
	12/15/2021	Inv21- 1767	Nov 2021	\$9,345.00	\$0.00	\$9,345.00



	1/18/2022	Inv21-1768	Dec 2021	\$6,545.00	\$0.00	\$6,545.00
			<b>Total</b>			<b>\$43,645.00</b>
			<b>Case Total</b>			<b>\$513,250.24</b>

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

<b>APPLICATION OF EL PASO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ELECTRIC COMPANY TO CHANGE</b>	<b>§</b>	
<b>RATES</b>	<b>§</b>	<b>OF TEXAS</b>

**CITY OF EL PASO'S SECOND MONTHLY SUPPLEMENTAL RATE CASE EXPENSE  
SUBMISSION**

**January 20, 2022**

**EXHIBIT JZB-RCE-4 SUPPLEMENTAL**

**Summary of and Invoices and Source Documents for City of El Paso Rate Case Expenses  
for Participation in PUC Docket Nos. 52040 from August 1, 2021, and December 31, 2021.**

**Exhibit 4A Supplemental**

**Summary of City of El Paso Rate Case Expenses for Participation in PUC Docket No.  
52040, Application of El Paso Electric Company for an AMS**

<b>Attorney/Consultant</b>	<b>Invoice Date</b>	<b>Invoice No.</b>	<b>Billing Period</b>	<b>Fees</b>	<b>Expenses</b>	<b>Invoice Amount</b>
Norman J. Gordon	8/27/2021	170	Apr–Jul 2021	\$5,635.00	\$0.00	\$5,635.00
	1/17/2022	183	Aug- Dec 2021	\$16,800.00	\$0.00	\$16,800.00
			<b>Total</b>			<b>\$22,435.00</b>
			<b>Case Total</b>			<b>\$22,435.00</b>

Norman J. Gordon

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

<b>APPLICATION OF EL PASO ELECTRIC COMPANY TO CHANGE RATES</b>	§ § §	<b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>
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**THIRD SUPPLEMENTAL DECLARATION OF NORMAN J. GORDON**

THE STATE OF OHIO       )  
                                          )  
COUNTY OF CUYAHOGA )

1. My name is Norman J. Gordon. My business address is PO Box 8, El Paso, Texas, 79940. I am over eighteen years of age and I am not disqualified from making this Declaration. I declare under penalty of perjury that the information in this declaration provided under Chapter 132 Texas Civil Practice and Remedies Code is true and correct.

2. I am an attorney licensed in the States of Texas and Illinois, and numerous federal courts. I received my undergraduate degree and law degree from University of Illinois at Urbana-Champaign. I have been in private practice of law in El Paso since completing my military obligation with the Judge Advocate General's Corps of the United States Army in 1974. I am board certified in Civil Trial Law by the Texas Board of Legal Specialization and have been so certified since 1983. One of the areas of my practice is in the area of utility regulation. Since 1978, I have been lead counsel for parties in many major rate cases, rule making proceedings, and other administrative dockets before City Councils, the Railroad Commission of Texas, the Public Utility Commission of Texas, State District Courts, United States Bankruptcy Court, and Texas Appellate Courts, including the Supreme Court of Texas. I have filed testimony on rate case expense issues in cases before Railroad Commission of Texas. I have filed testimony and testified as an expert witness on rate case expenses in cases before the Public Utility Commission of Texas. I have also taught principles of regulation to members of the Public Utility Regulation Board of the City of El Paso, an advisory board on utility matters.

3. I became a sole practitioner in February 2019. Prior to February 2019, I was a shareholder in the El Paso firm of Mounce, Green Myers, Safi, Paxson & Galatzan, A Professional Corporation, from October 2003 until February 2019. Prior to that time my private practice was with the El Paso law firm of Diamond Rash Gordon & Jackson, P.C., for 29 years where I was a shareholder.

4. This declaration addresses fees and expenses for my work in Docket 52195 from December 1, 2021 through December 31, 2021. During that month there was ongoing discovery, preparation for the hearing and extensive discussions and work on settlement negotiations. In addition, the services included assisting in getting the presentations ready for the City Council hearing in the case under its original jurisdiction.

5. In connection with the Docket 52195 for services in December 2021, I billed a total of \$35,770.00 and no expenses for a total of \$136,645.24 in fees and expenses. The expenses are for printing parties direct, rebuttal and cross-rebuttal testimony. All services charged were for my time. The invoices and support are attached to supplemental filings and/or the testimony of James Z. Brazell. There were no charges for first class travel or hotel expense. There will be no markup on the expenses.

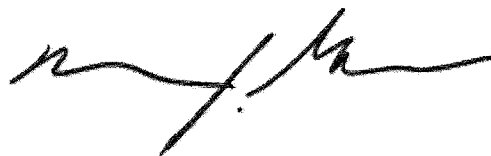
6. There will be additional fees and potentially expenses through the completion of the case. I will update this Declaration prior to the close of the evidence. The services to be provided include the completion of discovery, testimony review and filing, review testimony of other intervenors, PUC staff, cross-rebuttal and rebuttal, discovery on other parties, participation at hearing before City Council, settlement negotiations preparation for the hearing, the hearing, post hearing briefing, including any necessary activities after the issuance of the Proposal for Decision. Based on my experience, I estimate an additional \$100,000 to \$120,000 in fees, plus expenses for copies and transcripts which may be an additional \$20,000. Since the hearing is currently being conducted on Zoom<sup>®</sup>, I still expect that the travel will be minimal. These estimates do not include the estimates of the costs of an Appeal of any decision, should that be necessary.

7. In addition I attach my statement for services performed in connection with Docket No. 52040, Application of El Paso Electric Company for Approval of Advanced Metering System(AMS) Deployment Plan, AMS Surcharge and Non-Standard Metering Service Fees for my services between August 1, 2021 and December 31, 2021. The amount of that invoice is \$16,800. The time spent during that period was mostly preparation for the hearing which was abated due to settlement, and settlement negotiation and meetings with City Staff and City Council. As the settlement documents in that case have now been filed, I expect a small amount of additional time as the case is completed.

8. All of the work done by me on both cases was necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, the originality of the issues presented including the nature of the issues raised and addressed by the City in this proceeding, and the amount of time spent by and charges by others for work of a similar nature in this and other proceedings.

Further Declarant Says Not.

Dated January 19, 2022



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Norman J. Gordon

**ATTACHMENT A**  
**INVOICES DECEMBER 2021 Services**  
**RE: PUCT DOCKET 52195**

Norman J. Gordon  
Attorney at Law  
PO Box 8  
El Paso, Texas, 79940

Page: 1  
01/17/2022  
Account No: 1M

City of El Paso  
300 N. Campbell  
Attn: Office of the City Attorney  
PO Box 1890  
El Paso TX 79950-1890  
El Paso TX 79901

Attn: Karla M. Nieman

***Payments received after 01/17/2022 are not included on this statement.***

Norman J Gordon  
Attorney At Law

	Balance
1-30 EPE 2021 Rate Case Matter No. 21-1008-174	<u>\$35,770.00</u>

Please make checks payable to "Norman J. Gordon"



Norman J. Gordon  
Attorney at Law  
PO Box 8  
El Paso, Texas, 79940

City of El Paso  
300 N. Campbell  
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Attn: Karla M. Nieman

EPE 2021 Rate Case Matter No. 21-1008-174

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01/17/2022  
Account No: 1-30M  
Statement No: 181

***Payments received after 01/17/2022 are not included on this statement.***

<u>Fees</u>			Hours	
12/01/2021	NJG	Review C. Johnson Discovery response model. Tel. K. Nalepa re: jurisdictional allocations and Rate base issues. Prepare and serve TIEC discovery responses. TEL. C. Johnson re: discovery and potential errata filing.	3.80	1,330.00
12/02/2021	NJG	Receipt review and analysis of EPE settlement offer, E-mails concerning same, Meeting with City Attorney and Management re: settlement offer and City issue in response. Tel. Tel. M Garrett. Work on CEP response to FMI RFI's to City, Review EPE response to FMI RFI's	3.70	1,295.00
12/03/2021	NJG	Work on analysis of EPE term sheet issues, E-mails to Client re: term sheet proposals Prepare for settlement meeting w/ all parties. Tel. M. Garrett Re: ADIT issues, and review suggested discovery, Tel. B. Hallmark Re: settlement, Finalize and file Responses to FMI discovery to City.	5.20	1,820.00
12/06/2021	NJG	Monitor City Council meeting discussion of EPE Strategic plan and implications for ate case, Prepare and serve CEP 18th RFI's to EPE, Work on issues related to EPE term sheet and settlement.	4.20	1,470.00
12/07/2021	NJG	Work on additional discovery to EPE on rate base issues, Tel. S. Norwood, Prepare for meeting w/ Staff-Intervenors, Meeting with Staff/Intervenors, Tel. B. Slocum re: issues in settlement proposal, Telephone conference with City Attorney office re: status of settlement and nature of proposals,	4.20	1,470.00
12/08/2021	NJG	Receipt and Review EPE responses to 17th RFI's and prepare and file CEP 19th RFI's E-mails to Intervenor/Staff re: positions on EPE offer (from 12/7 meeting),	2.90	1,015.00
12/09/2021	NJG	Review detailed confidential discovery responses to CEP 17th RFI's (Financial and otherwise), Update discussion with City Attorney office on status, E-mails on meeting notes. Tel. B. Slocum and S. Norwood and		

## EPE 2021 Rate Case Matter No. 21-1008-174

		discussion on CEP 19th RFI's w/ EPE.	Hours 4.30	1,505.00
12/10/2021	NJG	Status call with S. Carr, Prepare for meeting w/ OPUC and PUC Staff, Tel. Z. Stephenson, Meeting with PUC Staff and OPUC, Review responses to 17th RFI's Confidential responses, Tel. J Gonzalez and K. Nieman and F. Engelbaum,	5.30	1,855.00
12/13/2021	NJG	Telephone conference with Commission Staff and City Staff re: future of settlement negotiations, Conf w/ City Attorney Office re: negotiations and Council presentation, Tel. B. Hallmark re: status, Prepare response document to EPE settlement offer, and share with City Attorney Office, Tel. D. Lawton re: status, Review EPE latest discovery responses.	7.50	2,625.00
12/14/2021	NJG	Prepare 20th RFI's review answers to prior sets, E-mails to K. Nalepa and M> Garrett, stand by for City Council meeting and attend Executive Session. Followup call with City Attorney Office	6.00	2,100.00
12/15/2021	NJG	Tel. w/ J. Brazell re: issues for supplemental testimony and form, Complete and file 20th RFI's review RFI's to City, Tel and E-mail w/ M. Garrett, Staff Errata, EPE RFI responses, E-mails Re; settlement offer language and discussion.	3.90	1,365.00
12/16/2021	NJG	Tel. B. Slocum, Tel. B. Hallmark, Set up meeting for Staff Intervenors, Review Abbott positions on DG charges in 2017 and current. Tel. M. Vandervoort re: Hearing procedures and needs for filing. TEL. C. Johnson re: discovery and potential for errata filing.	3.40	1,190.00
12/17/2021	NJG	Tel. S. Carr, Conference w/ Parties/ Tel. w/ B. Slocum, E-mail revised supplemental declaration re: rate case expenses. Revise and E mail Intervenor settlement offer to EPE and Parties, E-mails re: approvals, E-mails re: DG charges from EPE fact sheet on losses. E-mails to consultants re: issues and preparation for hearing, including needed documents for hearing and hearing procedures.	5.20	1,820.00
12/20/2021	NJG	Check final version of supplemental rate case expense filing. and file, Respond to EPE inquiry re: settlement offer, Review draft answers to TIEC RFI's, Tel. M. Garrett J. Brazell,	2.90	1,015.00
12/21/2021	NJG	Prepare for Settlement meeting w/ EPE and parties, Meeting w/ City Attorney office after meeting. Tel. B. Hallmark prior to meeting/ Prepare Witness Matrix for hearing prepare nd forward to EPE, E-mails re: transmission revenues Preparation of response to TIEC RFI's and prepare for filing. E-mail w/ C. Johnson. Status update meeting.	5.00	1,750.00
12/22/2021	NJG	File responses to RFI's Review other responses filed 12/22 Review E-mail from J. clark re: cross examination Matrix, and responsive E-mail from TIEC/ Tel. C. Johnson. Tel. K. Nalepa re: transmission revenue issues.	1.30	455.00
12/23/2021	NJG	Hearing Preparation, start process of identifying potential exhibits for cross-examination, RFI responses and background information needed.	3.00	1,050.00

EPE 2021 Rate Case Matter No. 21-1008-174

			Hours	
12/27/2021	NJG	Hearing Preparation, Review responses to last sets of RFI's from other parties and CEP, Start Outline of cross issues, Prepare memorandum for City Attorney re: Effects of FERC case. E-mails to consultants.	6.50	2,275.00
12/28/2021	NJG	Hearing Preparation, Review responses to CEP 20th RFI's, work on cross-examination issues, Doyle, Nelson, Hancock, Tel. D. lawton re: status, E-mails K. Nalepa. Update meeting with City Attorney Office	7.00	2,450.00
12/29/2021	NJG	Prepare for hearing, Review EPE responses to RFI' set 20, E-mails to B. Slocum re: RFI response, Identify relative costs of Easements, Receipt and review of EPE Settlement counteroffer, COntference call w/EPE and parties re: settlement counter offer, E-mails to consultants, Conference with City Attorney office Re; case status and EPE settlement counteroffer Review cross-examination issues for ROE witnesses. .	6.00	2,100.00
12/30/2021	NJG	Prepare Memo for City Attorney re: parties positions, review EPE new work paper on tax position, Conf w/ City Attorney office re: terms of potential counter offer, Tel. M. Garrett (3) re: tax aspects of EPE position, Conference with Staff and Intervenor re: issues in counter offer to EPE, Hearing procedures.	7.50	2,625.00
12/31/2021	NJG	Prepare and amend Intervenor counter offer to EPE, E-mail to parties, Review Draft motion to alter exhibit procedure in SOAH Order No. 7. E-mails and telephone with Parties re: settlement counter offer, Tel. M. Garrett	3.40	1,190.00
		For Current Services Rendered	102.20	35,770.00

Timekeeper	Title	Hours	Rate	Total
Norman J Gordon		102.20	\$350.00	\$35,770.00
Total Current Work				35,770.00
Balance Due				<u>\$35,770.00</u>

Billing History				
Fees	Expenses	Advances	Finance Charge	Payments
35,770.00	0.00	0.00	0.00	0.00

Please make checks payable to "Norman J. Gordon"

**ATTACHMENT B**  
**INVOICES AUGUST 2021--DECEMBER 2021 Services**  
**RE: PUCT DOCKET 52040**

Norman J. Gordon  
Attorney at Law  
PO Box 8  
El Paso, Texas, 79940

Page: 1  
01/17/2022  
Account No: 1M

City of El Paso  
300 N. Campbell  
Attn: Office of the City Attorney  
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El Paso TX 79950-1890  
El Paso TX 79901

Attn: Karla M. Nieman

***Payments received after 01/17/2022 are not included on this statement.***

Norman J Gordon  
Attorney At Law

	Balance
1-27 EPE AMS Filing PUC Docket 52040	<u>\$16,800.00</u>

Please make checks payable to "Norman J. Gordon"

Norman J. Gordon  
 Attorney at Law  
 PO Box 8  
 El Paso, Texas, 79940

City of El Paso  
 300 N. Campbell  
 Attn: Office of the City Attorney  
 PO Box 1890  
 El Paso TX 79950-1890  
 El Paso TX 79901

Attn: Karla M. Nieman

EPE AMS Filing PUC Docket 52040

Page: 1  
 01/17/2022  
 Account No: 1-27M  
 Statement No: 183

***Payments received after 01/17/2022 are not included on this statement.***

Fees

			Hours	
08/02/2021	NJG	Finalize and file Request for Hearing, Review OPUC request for hearing	0.10	35.00
08/12/2021	NJG	Identify and draft RFI's to EPE on issues created by filing unique to EPE's case and timing.	2.00	700.00
08/13/2021	NJG	Review of EPE case, Cases from other utilities, Prepare and Serve Requests for Information/E-mails re: settlement conference.	2.20	770.00
	NJG	Finalize RFI's to EPE	0.60	210.00
	NJG	Prepare for Deposition of Stacey McTaggart, Review objection from TGS and E-mails w/ K. Norman re: issues in deposition production.	1.40	490.00
08/19/2021	NJG	Review and OPUC 2nd RFI's to EPE	0.20	70.00
	NJG	Review Staff 2nd RFI's	0.20	70.00
08/24/2021	NJG	Work through filing and discovery Prepare draft statement of position/ Review and compare responses to CEP RFI's to EPE	3.30	1,155.00
08/25/2021	NJG	Finalize draft SOP	0.30	105.00
08/26/2021	NJG	Revise draft Statement of Position=Meeting w/ CAO re: statement of position and prepare declaration re: rate case expense.	0.60	210.00
08/27/2021	NJG	Finalize and file Statement of Position and Declaration re: rate case Expense.	1.30	455.00
08/31/2021	NJG	Review Walmart Testimony Statements of Position and OPUC testimony in preparation for settlement conference/Attend settlement conference	2.10	735.00
09/03/2021	NJG	Prepare notes on Settlement proposal, Review and forward Staff testimony, Meeting w/ E. Triggs and F. Engelbaum re: Settlement offer	1.30	455.00

			Hours	
09/05/2021	NJG	Start draft of questions to EPE re: settlement proposal.	0.50	175.00
09/13/2021	NJG	Term sheet discussion w/ EPE attorneys	1.00	350.00
09/15/2021	NJG	Prepare for and Attend Settlement Conference with all parties via Webex. Review filing re: schedule made at PUCT. .	1.40	490.00
09/20/2021	NJG	Prepare for Meeting w/ Staff and Intervenors, Attend meeting w/PUC Staff and Intervenors, Review EPE revised settlement offer, Staff positions and wording, education impact, Tel. M. Arambula.	2.10	735.00
09/21/2021	NJG	Prepare position and outcome paper for discussion with City Staff, City Staff meeting discussion on AMS issues and resolution of outstanding issues.	1.70	595.00
09/22/2021	NJG	Research issues for meeting and compare OPUC issues w/ EPE documented proposal. and potential settlement issues, Tel. S. Olsen, Meeting with Intervenors and Staff re: status of settlement negotiations	1.40	490.00
10/19/2021	NJG	Review Education response from EPE, E-mail to S. Olson and Discussion w/ City Attorney, E. Triggs and F. Berjano re: issues and status.	0.40	140.00
10/20/2021	NJG	Meeting w/ Parties re: settlement status, E-mail from S. Olson.	0.80	280.00
11/04/2021	NJG	Review and comment on public education language, E-mails to client, Revise paragraph on New Mexico issues, Tel. w/ Client (E. Triggs, F. Engelbaum, J. Gonzalez, M. Arambula)	1.40	490.00
11/05/2021	NJG	E-mails to and from S. Olson re: language.	0.30	105.00
11/08/2021	NJG	Review suggested changes to Term sheet from City management, E-mail to S. Olson	0.30	105.00
11/11/2021	NJG	review suggested changes in term sheet from EPE, Tel. S. Olson re: changes.	0.30	105.00
11/18/2021	NJG	Review of proposed stipulation, motion and final order, EPE request for interim rates, Review of EPE NM filing for rates and differences.	2.40	840.00
11/22/2021	NJG	Call with F. Engelbaum, E-mail w/K Nieman re: status and ability to request further information. Tel. S. Olson, Review questions posed by Council members,	0.90	315.00
11/24/2021	NJG	Work on questions from Council through City attorney, Tel. update w/F Engelbaum and discussion of questions and next steps.	1.60	560.00
11/30/2021	NJG	Tel. w/ S. Olson re: Council questions, Tel. F. Engelbaum re: Council presentation and potential changes to Order Review charges and proposed changes in charges. Discussion with CAO team re: status.	0.90	315.00
12/06/2021	NJG	Monitor City Council meeting discussion in open session re: status and settlement proposal, Participate in Executive Session discussion.	1.80	630.00

EPE AMS Filing PUC Docket 52040

			Hours	
12/07/2021	NJG	Discussion w/ City Attorney Office/Staff re: nature of requests to be made to epe. from direction from Management.	0.40	140.00
12/09/2021	NJG	Conf call w/ EPE (Olson, Schichtl, Behrens) and City re: Settlement parameters, E-mails re: calls. and status of settlement negotiations.	1.30	455.00
12/10/2021	NJG	Tel. S. Olson re: meeting, Meeting w/ EPE representatives and City Staff re: status and potential for EPE agreeing to delay in implementation, conf w/ City Staff re: Presentations on 12/13 and 12/14	1.70	595.00
12/13/2021	NJG	Monitor City Council meeting and EPE presentation to Council questions and answers re: settlement potential.	1.60	560.00
12/14/2021	NJG	Discussion w/ Council in Executive Session	5.00	1,750.00
	NJG	Stand by and attend executive Session and open session of City Council to discuss settlement agreement and potential actions,	1.50	525.00
12/15/2021	NJG	E-mail to S. Olson and prepare proposed changes to settlement agreement and order.	0.50	175.00
12/20/2021	NJG	Review final settlement documents submitted by EPE E-mails to Client re: approval to sign.	1.00	350.00
12/21/2021	NJG	E-mail to S. Olson and parties approving the settlement documents.	0.10	35.00
12/22/2021	NJG	E-mail from S. Olson re: Status of documents.	0.10	35.00
		For Current Services Rendered	48.00	16,800.00

		Recap			
<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>	
Norman J Gordon		48.00	\$350.00	\$16,800.00	
Total Current Work				16,800.00	
Balance Due				<u>\$16,800.00</u>	

Billing History				
<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
16,800.00	0.00	0.00	0.00	0.00

Please make checks payable to "Norman J. Gordon"



LAW OFFICE of SNAPPER L. CARR  
Snapper Carr

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

**APPLICATION OF EL PASO ELECTRIC  
COMPANY TO CHANGE RATES**

**§ BEFORE THE STATE OFFICE  
§ OF  
§ ADMINISTRATIVE HEARINGS**

**AFFIDAVIT OF SNAPPER L. CARR  
SUPPORTING CITY OF EL PASO'S SECOND SUPPLEMENTAL RATE CASE EXPENSE FILING**

**THE STATE OF TEXAS**

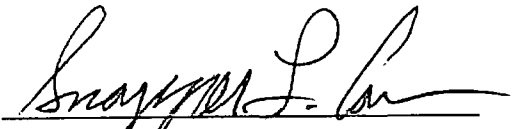
**COUNTY OF TRAVIS**

I, Snapper L. Carr, state the following facts under my oath.

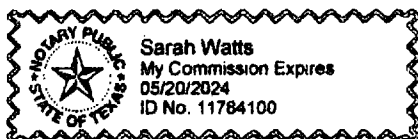
1. My name is Snapper L. Carr. I am over eighteen years of age and I am not disqualified from making this affidavit. I declare under penalty of perjury that the information in this affidavit is true and correct.
2. I am an attorney licensed to practice law in the State of Texas. I am the owner of the Law Offices of Snapper L. Carr. My business address is 816 Congress Avenue, Suite 370, Austin, TX 78701. I have represented cities throughout Texas on a wide variety of electric utility and regulatory matters since 2003. I previously served as Legislative Counsel to the Texas Municipal League with an emphasis on representing and advising their 1,000 plus member cities with an emphasis on utility and regulatory matters. I have served in the role of special counsel to clients during a significant number of rate case proceedings dealing with electric, water, and telecommunications matters at the Public Utility Commission of Texas. My Law Offices have been retained by the City of El Paso to advise and participate in this rate case proceeding, including reviewing aspects of the legal, policy, and cost impact issues presented by the case.
3. In addition to my participation in the case, Curtis L. Seidlits, Jr. works with my Law Offices to provide expert advice and legal counsel to the City of El Paso at their request. Mr. Seidlits has a long professional history of working in the electric utility industry and representing clients on a wide range of electric and regulatory matters. Mr. Seidlits has previously held the position of President/CEO of the Association of Electric Companies of Texas after retiring from the Texas House of Representatives. During his elected office service, Mr. Seidlits held the role as Chairman of the House State of Affairs Committee which oversaw aspects of the State of Texas electric system.
4. In order to help the City of El Paso to maintain rate case expenses to a reasonable level, my Law Offices have entered into an agreement that provides a considerable hourly combined billing rate discount of \$485/hour, when Mr. Seidlits and I both jointly participate in a given aspect of the rate case proceeding. If we are participating in some aspect of the case in our

individual capacity, we bill at our standard rates of \$375/hour. Our invoices reflect these billable hour rates and the combined discounted bill rate as well. These rates are clearly identified on the invoices to the City of El Paso.

5. My Law Office provided the City of El Paso with an initial estimate at the outset of this rate case our total billings for these proceedings to be approximately \$50,000 plus expenses related primarily for travel. To date we have billed no expenses since these proceedings are occurring primarily through electronic means. As of this report we have submitted Invoice No. 2100 to the City of El Paso cover all of our work from June through December 31, 2021 in the amount of \$21,490. We estimate an additional \$20,000 to \$30,000 in additional billings primarily dealing with hearing costs. We expect to only have minimal expense billings, if any. These estimates do not include estimates of the costs of an Appeal of any decision, should that action be undertaken.
6. All of the work done by my Law Office by me and Curtis L. Seidlits has been necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, and the complexity of the issues presented. Our billing rates are reasonable and consistent with others who perform similar work with our levels of expertise and experience.
7. I have included the actual invoices submitted to the City of El Paso for this reporting period.
8. The statements made in this affidavit are true and correct.

  
Snapper L. Carr

**SUBSCRIBED AND SWORN** to before me, the undersigned authority on this 19<sup>th</sup> day of January, 2022 by Snapper L. Carr.



  
Notary Public State of Texas

# Law Offices of Snapper L. Carr

## INVOICE

816 Congress Avenue  
Suite 370  
Austin, Texas 78701  
Phone (512) 917.0044

**DATE:** Jan. 18, 2022  
(6/8/2021 - 12/31/2021)  
**INVOICE #** 2100

**BILL TO:**  
Ms. Karla Mariana Nieman  
City Attorney  
City of El Paso  
**VIA ELECTRONIC SUBMISSION**

**FOR:** EPEC Rate Case  
PUC Docket No. 52195  
Page 1 of 3

DESCRIPTION	HOURS	RATE	AMOUNT
El Paso Electric Co. ("EPEC") Rate Case			
Snapper L. Carr ("SLC")/Curtis L. Seidlits ("CLS") Billing Rate		375/hr	
Combined SLC/CLS Discount Rate ("CDR")		485/hr	
6/8/21: Call between City Attorney & City legal team to preview rate case filing issues, discuss case strategy, & scheduling issues. (SLC)	1.00	375.00	\$ 375.00
6/9: Review and discussion of rate filing packet by EPEC; listing of potential issues to be raised during case. (CDR)	2.00	485.00	970.00
6/16: City legal team call, review of major cost related issues in filing. Review of N. Gordon summary memo and issues in initial filing. (CDR)	2.50	485.00	1,212.50
6/18: Review of filed case issues, review of N. Gordon memo, City Attorney call, & review historical EPEC rate filing requests. (SLC)	1.00	375.00	375.00
6/27: Prep for EP Council meetings to discuss major issues presented, TX ratemaking process, original jurisdiction issues, & cost issues. (SLC)	2.50	375.00	937.50
6/28: In person meetings w/ EP Council members to brief EPEC case, overall rate process, original jurisdiction issues/purpose, timeline, and general Q&A regarding the status and next steps of matter. (SLC)	8.00	375.00	3,000.00
6/29: Briefing w/ Mayor, City legal team on case issues presented, overall rate process, original jurisdiction issues/purpose, timeline, and general Q&A regarding the status and next steps of matter. (SLC)	4.50	375.00	1,687.50
6/30: Call with City legal team, review of New Mexico Order. (CDR)	0.50	485.00	242.50
7/7: Executive Session EP Council briefing on EPEC case. (SLC)	1.00	375.00	375.00
SUBTOTAL			\$ 9,175.00
OTHER			
TOTAL			\$ 21,490.00

**Please Make Checks Payable to Law Offices of Snapper L. Carr**

**THANK YOU FOR YOUR BUSINESS!**

# Law Offices of Snapper L. Carr

# INVOICE

816 Congress Avenue  
Suite 370  
Austin, Texas 78701  
Phone (512) 917.0044

**DATE:** Jan. 18, 2022  
(6/8/2021 - 12/31/2021)  
**INVOICE #** 2100

**BILL TO:**  
Ms. Karla Mariana Nieman  
City Attorney  
City of El Paso  
**VIA ELECTRONIC SUBMISSION**

**FOR:** EPEC Rate Case  
PUC Docket No. 52195  
Page 2 of 3

DESCRIPTION	HOURS	RATE	AMOUNT
El Paso Electric Co. ("EPEC") Rate Case			
Snapper L. Carr ("SLC")/Curtis L. Seidlits ("CLS") Billing Rate		375/hr	
Combined SLC/CLS Discount Rate ("CDR")		485/hr	
7/22/2021: Call with City legal team, review of City discovery/RFIs. (SLC)	1.25	375.00	\$ 468.75
10/3: Call w/ City legal team, review of discovery status, review of EPEC Errata 2 filed on 10/1/21. (CDR)	1.50	485.00	727.50
10/22: Call w/ City legal team, review of discovery matters, review of City of El Paso filed testimony & exhibits at PUCT. (CDR)	3.25	485.00	1,576.25
10/28: Call w/ City legal team to discuss RFI responses, discovery. Discussion of COEP responses and intervenor issues. (SLC)	0.75	375.00	281.25
11/19: Review of discovery status, COEP responses, issues raised by RFIs and cross rebuttal testimony. (CDR)	1.50	485.00	727.50
11/22: Review and discussion of EPE Rebuttal & Intervenor Cross Rebuttal filed at PUCT. 15 EPE witnesses, 8 intervenor witnesses, & 26 pieces of filed testimony. (CDR)	4.25	485.00	2,061.25
12/9: Call w/ N. Gordon to discuss settlement positions & status. (SLC)	1.00	375.00	375.00
12/10: Call w/ City legal team to discuss PUC/OPUC positions on customer charges, solar DG charge, and rate allocation matters. (SLC)	0.75	375.00	281.25
12/12: Call w/ City Attorney regarding Exec. Session on 12/14, prep of issues to presented, settlement status, next steps on case. (SLC)	0.50	375.00	187.50
12/13: Call w/ City legal team to discuss EPEC and party positions, prep/review materials for 12/14 EP Exec. Session briefing. (SLC)	1.75	375.00	656.25
SUBTOTAL			\$ 7,342.50
OTHER			
TOTAL			

**Please Make Checks Payable to Law Offices of Snapper L. Carr**

**THANK YOU FOR YOUR BUSINESS!**

# Law Offices of Snapper L. Carr

## INVOICE

816 Congress Avenue  
Suite 370  
Austin, Texas 78701  
Phone (512) 917.0044

**DATE:** Jan. 18, 2022  
(6/8/2021 - 12/31/2021)  
**INVOICE #** 2100

**BILL TO:**  
Ms. Karla Mariana Nieman  
City Attorney  
City of El Paso  
**VIA ELECTRONIC SUBMISSION**

**FOR:** EPEC Rate Case  
PUC Docket No. 52195  
Page 3 of 3

DESCRIPTION	HOURS	RATE	AMOUNT
El Paso Electric Co. ("EPEC") Rate Case			
Snapper L. Carr ("SLC")/Curtis L. Seidlits ("CLS") Billing Rate		375/hr	
Combined SLC/CLS Discount Rate ("CDR")		485/hr	
12/14/2021: Present at EP Exec. Session, Call w/ City Attorney & City Manager on priority issues. Review and edit Council briefing. (SLC)	2.50	375.00	937.50
12/14: Call with City legal team & discussion of party positions. (CDR)	1.00	485.00	485.00
12/15: Call w/ City legal team. Review and comment on redline settlement offer of intervenors. Discuss next steps for EP Council priority issues and how to advance with parties. (CDR)	1.50	485.00	727.50
12/16: Call w/ N. Gordon to review intervenors and staff consolidated offer to settle and needed next steps. (SLC)	0.75	375.00	281.25
12/21: Participation in intervenors and staff settlement call. (CLS)	0.75	375.00	281.25
12/29: Settlement call w/ all parties. Call w/ N. Gordon on next needed steps in talks and hearing prep.	1.00	375.00	375.00
12/29: Review/comment on EPEC counteroffer and rate allocation discussion. (CDR)	0.75	485.00	363.75
12/29: Call w/ City legal team to brief on positions from settlement call w/ parties. Prep for next intervenors call and discussion of 12/29 EPEC offer. (CDR)	1.00	485.00	485.00
12/30: City legal team meeting to discuss work outline for hearing prep, discussion on latest offer of EPEC settlement positions. (CDR)	1.75	485.00	848.75
12/30: City Attorney & Manager call on positions & Exec Session.(SLC)	0.50	375.00	187.50
SUBTOTAL			\$ 4,972.50
OTHER			
TOTAL			

**Please Make Checks Payable to Law Offices of Snapper L. Carr**

**THANK YOU FOR YOUR BUSINESS!**

ReSOLVED ENERGY CONSULTING, LLC  
Karl J. Nalepa

**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>
------------------------------------------------------------------------	----------------------	-------------------------------------------------------------------

**SECOND SUPPLEMENTAL  
RATE CASE EXPENSE DECLARATION OF KARL J. NALEPA  
PROVIDING ACTUAL EXPENSES FOR THE PERIOD  
DECEMBER 1, 2021 THROUGH DECEMBER 31, 2021**

I, Karl J. Nalepa, declare under penalty of perjury that the following statement and facts are true and correct.

1. My name is Karl J. Nalepa. I am over eighteen years of age and am not disqualified from making this affidavit.
2. I am President of ReSolved Energy Consulting, LLC ("REC"), an independent utility consulting company. My business address is 11044 Research Boulevard, Suite A-420, Austin, Texas 78759.
3. REC was retained by the City of El Paso ("CEP" or City") to provide expert analysis and testimony in this base rate proceeding filed by El Paso Electric Company ("EPE" or "Company"), Docket No. 52195.
4. I am giving this affidavit to address the necessity for and reasonableness of REC's fee-related charges for the period December 1, 2021 through December 31, 2021.
5. REC's fees for the period December 1, 2021 through December 31, 2021, correspond to time spent reviewing responses to discovery, adjusting City's cost of service model in response to rebuttal case issues, evaluating other parties' positions on case issues, and conferring with City's consultants and counsel. The hours charged by REC are summarized in the following table:

REC's EXPENSES DECEMBER 1, 2021 THROUGH DECEMBER 31, 2021			
CONSULTANTS	HOURLY RATE	HOURS	ACTUAL TOTAL
Karl Nalepa	\$270	19.6	\$5,292.00
Erin Cromleigh	\$180	22.5	\$4,050.00
<b>Total Actual</b>		42.1	<b>\$9,342.00</b>

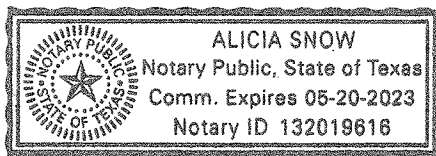
6. My billing rate is \$270 per hour. This is my normal billing rate that I charge to all clients for this type of work in rate proceedings. I am familiar with the hourly rates charged by other consultants to perform similar services before utility regulatory agencies in Texas. Given that I have more than 35 years of utility rate regulatory experience, my billing rate is reasonable.



7. Assisting me on this proceeding is Erin Cromleigh. Ms. Cromleigh is an energy consultant and has over 14 years of regulatory experience. Ms. Cromleigh works under my direction and supervision.
8. No REC personnel billed in excess of 12 hours on any given day to this case. No REC personnel incurred any airline, lodging, or meal expenses. No REC personnel charged for any luxury items. There are no instances of double billing for REC's services.
9. Based on my experience relating to analysis of rate proceeding matters and the reasonableness of rate case expenses before the Public Utility Commission of Texas, I conclude that: (1) REC's hourly rates are reasonable; and (2) the 42.1 actual hours charged during this period are both reasonable and necessary.
10. The statements made in this affidavit are true and correct.

Karl J. Nalepa 1/19/22  
Karl J. Nalepa

SUBSCRIBED AND SWORN to before me on this 19<sup>th</sup> of January, 2022.



Alicia Snow  
Notary Public, State of Texas  
My Commission Expires: 5/20/2023

# ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420

Austin, TX 78759

## Invoice

DATE	INVOICE NUMBER
1/6/2022	4933

### BILL TO

City of El Paso  
Attn: Office of the City Attorney  
PO Box 1890  
El Paso, TX 79950-1890

### PROJECT

NG EPE 21 RC 52195

DESCRIPTION	HOURS	RATE	AMOUNT
Consulting (Nalepa)	19.6	270.00	5,292.00
Consulting (Cromleigh)	22.5	180.00	4,050.00
Total Labor			9,342.00
Work Completed thru - December 31, 2021		TOTAL DUE	\$9,342.00

# Monthly Recap

Karl Nalepa

Date	Task	Hours
December 1, 2021	Review responses to discovery. Call with N. Gordon to discuss case issues. Research allocation of FERC transmission revenues to Texas.	1.50
December 2, 2021	Review settlement proposal and send comments to N. Gordon.	1.20
December 3, 2021	Review case issues.	0.70
December 7, 2021	Review responses to discovery.	1.00
December 8, 2021	Review confidential responses to discovery.	0.70
December 9, 2021	Call with C. Johnson to discuss errata on allocation factors and EPE COS model.	1.20
December 10, 2021	Review responses to discovery. Call with N. Gordon regarding case issues.	1.70
December 13, 2021	Compile and send RCE invoices to J. Brazell in response to Staff discovery. Review issues raised in TIEC cross rebuttal.	0.80
December 14, 2021	Review and edit draft follow-up discovery on Isleta ROW payment. Send to N. Gordon for review.	1.00
December 15, 2021	Emails with C. Johnson regarding other revenues. Prepare affidavit on RCEs and send to J. Brazell in response to Staff discovery.	1.30
December 16, 2021	Review discovery and responses to discovery. Discuss C. Johnson errata with E. Cromleigh.	1.20
December 20, 2021	Review FERC transmission revenues in COS model.	0.70
December 21, 2021	Discuss FERC transmission revenues with N. Gordon.	0.50
December 22, 2021	Call with C. Johnson regarding errata filing. Track FERC transmission revenues in COS model. Call with N. Gordon to discuss.	1.30
December 28, 2021	Research recovery of transmission revenue credits in TCRF. Review responses to discovery. Call with C. Johnson regarding changes to COS model for errata.	2.10
December 29, 2021	Calls with C. Johnson regarding COS model errata. Review latest settlement proposal. Send comments to N. Gordon.	1.50
December 30, 2021	Calls with C. Johnson regarding errata. Emails with N. Gordon regarding Isleta ROW adjustment.	1.20
		<b>19.60</b>

## Monthly Recap

Erin Cromleigh

Date	Task	Hours
<i>December 2, 2021</i>	Review model for allocation of transmission revenues and costs.	2.10
<i>December 9, 2021</i>	Review RFI responses; call with Clarence Johnson to discuss model errata.	1.80
<i>December 15, 2021</i>	Review model for revenue allocations for C. Johnson; review cross-rebuttal testimony of TIEC witness K. Higgins.	4.40
<i>December 16, 2021</i>	Review model for revenue allocations for C. Johnson; review cross-rebuttal testimony of TIEC witness K. Higgins.	5.50
<i>December 20, 2021</i>	Prepare errata model for C. Johnson.	3.80
<i>December 22, 2021</i>	Review errata model and FERC revenues.	1.00
<i>December 29, 2021</i>	Call with C. Johnson to discuss errata model. Review model.	2.00
<i>December 30, 2021</i>	Call with C. Johnson to discuss errata model. Review model.	1.90
		<b>22.50</b>

Daniel J. Lawton

PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NO. 52195

APPLICATION OF EL PASO ELECTRIC COMPANY TO CHANGE RATES      §  
                                                                                                  §  
                                                                                                  §

BEFORE THE  
 PUBLIC UTILITY COMMISSION  
 OF TEXAS

**SECOND SUPPLEMENTAL RATE CASE EXPENSE AFFIDAVIT OF DANIEL LAWTON  
 PROVIDING ACTUAL EXPENSES THROUGH DECEMBER 31, 2021 AND ESTIMATED  
 EXPENSES THROUGH COMPLETION OF THE PROCEEDING**

I, Daniel J. Lawton, state the following facts upon my oath.

1. My name is Daniel J. Lawton. I am over eighteen years of age and am not disqualified from making this affidavit.
2. I am the owner of the Lawton Law Firm, P.C. My business address is 12600 Hill Country Blvd., Suite R-275, Austin Texas 78738. I have been retained by the City of El Paso to provide expert testimony and analyses on cost of capital and allocation issues in this rate proceeding filed by El Paso Electric Company ("EPE" or "Company"), Docket No. 52195.
3. I am giving this affidavit to address the necessity for and reasonableness of my actual fees related charges through December 31, 2021 and estimated expenses through completion of this case.
4. My billing rate for consulting services is \$250 per hour. This is my normal billing rate that I charge for rate case consulting services. This rate is reasonable for a consultant providing these types of services before utility regulatory agencies in Texas and around the country. I have more than 35 years of utility rate regulatory experience providing utility rate consulting.
5. I have included in the following table a summary of hours billed to date, actual charges to date, along with estimates to complete the case.

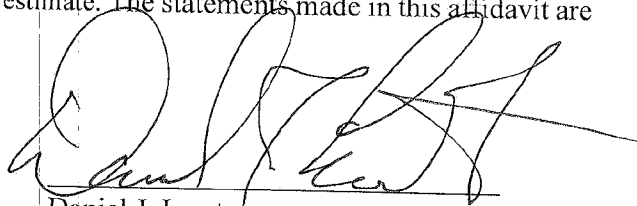
**ACTUAL AND ESTIMATED RATE CASE EXPENSES FOR DANIEL LAWTON**

MONTH	HOURS	CHARGES
JULY 2021	97.1 Hrs	\$24,275.00
AUGUST 2021	61.3 Hrs	\$15,325.00
SEPTEMBER 2021	44.0 Hrs	\$11,000.00
OCTOBER 2021	39.5 Hrs	\$9,875.00
NOVEMBER 2021	24.5 Hrs	\$6,125.00
DECEMBER 2021	32.5 Hrs	\$8,125.00
TOTAL ACTUAL TO DATE	<b>298.9 Hrs</b>	<b>\$74,725.00</b>
ESTIMATE TO COMPLETE	30 Hrs	\$15,000.00
TOTAL ACTUAL & ESTIMATE	328.9 Hrs	\$89,725.00

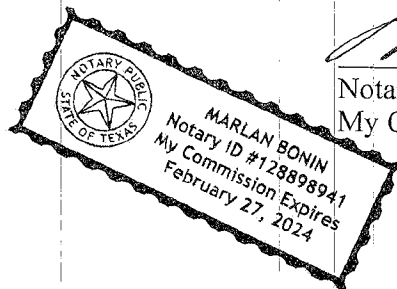
6. As shown in the above table I have billed a total of 298.9 hours through December 31, 2021 in Docket No. 52195 for the time spent reviewing and analyzing the issues in this case and preparing

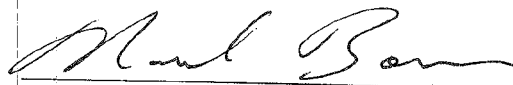
testimony and analysis on the issues of cost of capital and jurisdictional allocation. An additional 30 hours are estimated to complete necessary tasks through the end of this proceeding. These estimated hours are for the time I estimate working on the case for review of parties' testimony, review of Company rebuttal, and preparation for final hearings and testimony.

7. I have reviewed the actual invoices and there have been no duplicate billings, no billings exceeding 12 hours per day, no out-of-pocket expenses have been billed and as such there are no billings for alcohol or extravagant items such as expensive meals, lodging, or transportation services.
8. Based on my experience relating to analysis of rate proceeding matters and the reasonableness of rate case expenses before the Public Utility Commission of Texas, I conclude that: (1) my hourly rate is very reasonable; and (2) the actual hours and estimate of additional hours in this case are both necessary and reasonable.
9. I have attached the additional invoice covering the period through December 31, 2021.
10. Based on my experience, this is a reasonable estimate. The statements made in this affidavit are true and correct.

  
Daniel J. Lawton

SUBSCRIBED AND SWORN to before me, the undersigned authority, on the 18 th day of January 2022 by Daniel J. Lawton.



  
Notary Public, State of TEXAS  
My Commission Expires: 02/27/2024

# THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 512/329-2604

January 10, 2022

Sent Via email: [EPCityAttorney-AccountsPayable@elpasotexas.gov](mailto:EPCityAttorney-AccountsPayable@elpasotexas.gov),  
[EngelbaumFM@elpasotexas.gov](mailto:EngelbaumFM@elpasotexas.gov),

VENDOR # 1000058818

INVOICE NO. 1132022

City of El Paso  
Attn: Office of the City Attorney  
P.O. Box 1890  
El Paso, TX. 79950-1890

Re: Invoice for December 2021 Services -PUC Docket No. 52195; Application of El Paso Electric Company to Change Rates

To City of El Paso City Attorney and Accounts Payable Office:

Attached please find an invoice for services in the above-referenced matter for the month of December 2021. The services are related to the El Paso Electric Company ("EPE" or "Company") rate increase request in PUC Docket No. 52195 designated as Application of El Paso Electric Company to Change Rates. In this case the Company proposes a \$69.7 million annual Texas retail base rate (non-fuel) increase. The percentage impact of the proposed increase is about 13.5%. The resulting net increase after accounting for the \$27.9 million amount already being collected through the transmission ("TCRF") and distribution ("DCRF") interim rate mechanisms is about \$41.8 million or 7.79% increase.

In this proceeding EPE seeks a Commission Order authorizing a 10.3% profit level and a 51% equity capitalization for the Company. Also, as part of this case the Company proposes to specifically assign certain generation facilities (solar) to New Mexico and Texas for purposes of identifying costs between the Texas and New Mexico jurisdictions.

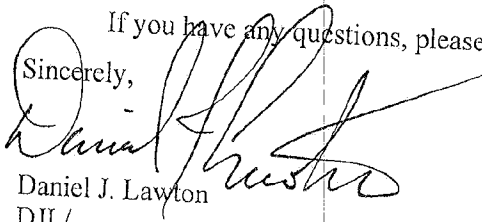
Tasks in this matter for December 2021 entailed the continued review of the Company's



rebuttal testimony, reviewing discovery, and continued evaluation of case issues, of cost of capital issues and jurisdictional allocation.

If you have any questions, please call.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel J. Lawton", is written over the word "Sincerely,".

Daniel J. Lawton

DJL/

Enclosures

# THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 512/329-2604

## **Invoice for December 2021 Services -PUC Docket No. 52195; Application of El Paso Electric Company to Change Rates**

Daniel Lawton	32.5 Hrs	\$250.00	\$8,125.00
Total Fees			\$8,125.00
EXPENSES:			
Total Fees and Expenses			\$8,125.00

\* Please see attachment {Attachment Letter}

Invoice for December 2021 Services -PUC Docket No. 52195; Application of El Paso Electric Company to Change Rates

12/6/21	3.2 Hrs		Analysis & model rebuttal of Nelson updates & critiques of parties
12/7/21	3.5 Hrs		Begin outline of areas to stress in hearing for EPE ROR evidence
12/10/21	3.8 Hrs		Continue outline of areas to stress in hearing for EPE ROR evidence
12/15/21	5.0 Hrs		Continue outline of areas to stress in hearing for EPE ROR evidence, also jurisdictional issues
12/17/21	3.5 Hrs		Continue outline of areas to stress in hearing for EPE ROR evidence, also jurisdictional issues
12/21/21	3.5 Hrs		Continue outline of areas to stress in hearing for EPE ROR evidence, also jurisdictional issues
12/22/21	4.5 Hrs		Finalize outline of areas to stress in hearing for EPE ROR evidence
12/29/21	2.5 Hrs		Finalize outline of areas to stress in hearing for EPE ROR evidence and analysis of cross party arguments
12/30/21	3.0 Hrs		Finalize outline of areas to stress in hearing for EPE Jurisdictional allocation evidence and analysis of cross party arguments
Total Hours	32.5 Hrs		

CJ ENERGY CONSULTING  
Clarence Johnson

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

<b>APPLICATION OF EL PASO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ELECTRIC COMPANY TO CHANGE</b>	<b>§</b>	
<b>RATES</b>	<b>§</b>	<b>OF TEXAS</b>

**AFFIDAVIT OF CLARENCE L. JOHNSON**  
**SUPPORTING SECOND SUPPLEMENTAL RATE CASE EXPENSE FILING**

**STATE OF TEXAS**

**COUNTY OF TRAVIS**

My name is Clarence L. Johnson. My address is 3707 Robinson Ave. Austin TX 78722. My business practice consists of expert witness consulting with respect to electric utility regulation. I filed testimony in PUC Docket No. 52195 on behalf of the City of El Paso. This affidavit supports my supplemental rate case expense filing for the month of December 2021 submitted in PUC Docket No. 52195. My billings for those periods are set out in Invoice 4 submitted to the City Attorney for the City of El Paso and submitted in this second supplemental filing.

I swear and affirm the following regarding those billings:

1. The billings consist entirely of my professional services at the hourly rate of \$220 per hour.
2. The rate and charges are reasonable and necessary for the same reasons stated in my Direct Testimony dated Oct. 22, 2021.
3. The invoice submitted for December 2021 in the amount of \$2,350 is true and correct.
4. The billings are consistent with, and conform to, the statements set out in my rate case expense testimony at pages 64 – 67 of my Direct Testimony, dated Oct. 22, 2021.
5. The work done by me and submitted in these invoices was necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, the originality of the issues presented,

including the nature of the issues raised and addressed by the City in this proceeding, and the amount of time spent by and charges by others for work of a similar nature in this and other proceedings.

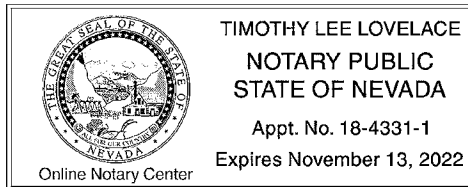
The declarations in this my affidavit are true and correct.

*Clarence Johnson*

Clarence L. Johnson

State of Nevada      County of Clark

SUBSCRIBED AND SWORN before me, the undersigned authority, on the  
19th Day of January, 2022, by Clarence L. Johnson.



*Timothy Lee Lovelace*

Notary Public, State of ~~Texas~~ Nevada  
My commission expires: 11/13/2022.

Notarial Act performed by Audio-Video Communication

**CLARENCE JOHNSON**  
**CJ ENERGY CONSULTING**  
**3707 ROBINSON AVENUE**  
**AUSTIN, TX 78722**  
**512-506-1896**  
**JANUARY 13, 2021**

**INVOICE 4**

**RE: PUC DOCKET NO. 52195, EL PASO ELECTRIC CO.**

TO: City of El Paso Attn: Office of the City Attorney

P.O. Box 1890 El Paso, TX 79950-1890

FROM: Clarence Johnson

Pursuant to our agreement in the above-referenced matter, I have enclosed a billing for services in December, 2021. The total billing is \$2,350. The hourly rate for expert services is \$220 per hour. Details for the billing are shown on the subsequent attached page. Thanks.

**Vendor No. 1000058996**

*Enclosure*

*Attachment: Billing Detail for December 2021*

7-Dec	Review workpapers for errata issues	1.5
9-Dec	Discuss errata issues with Nalepa	0.5
17-Dec	Prepare and transmit errata allocation factors to Nalepa	2
19-Dec	Prepare answers to TIEC 3d set RFIs	2
20-Dec	Prepare and exchange files regarding errata w/Nalepa	1.5
28-Dec	Discussion w/Nalepa regarding errata question	0.5
29-Dec	Discussion w/Nalepa and Cromleigh, re: model	0.5
29-Dec	Prepare corrected schedules and workpapers	3
	Total hours	11.5
	Time \$220 rate	\$2,530



GARRETT GROUP CONSULTING, INC.  
Mark E. Garrett

**PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NO. 52195**

APPLICATION OF EL PASO ELECTRIC   §                           BEFORE THE  
COMPANY TO CHANGE RATES       §                           PUBLIC UTILITY COMMISSION  
                                                 §                           OF TEXAS

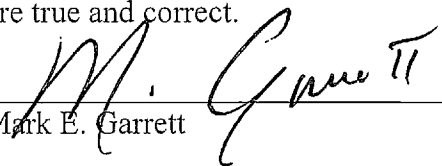
**RATE CASE EXPENSE AFFIDAVIT OF MARK E. GARRETT**  
**PROVIDING ACTUAL EXPENSES THROUGH DECEMBER 31, 2021, AND**  
**ESTIMATED EXPENSES THROUGH COMPLETION OF THE PROCEEDING**

I, Mark E. Garrett, state the following facts upon my oath:

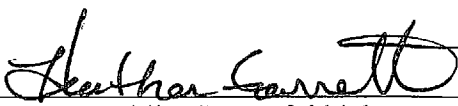
1. My name is Mark E. Garrett. I am over eighteen years of age and am not disqualified from making this affidavit.
2. I am the President of Garrett Group Consulting, Inc., ("GGCI"). My business address is 4028 Oakdale Farm Circle, Edmond, OK 73013. My firm has been retained by the City of El Paso to provide expert testimony and analyses on revenue requirement, ratemaking and accounting issues in this rate proceeding filed by El Paso Electric Company ("EPE" or "Company"), Docket No. 52195.
3. I am giving this affidavit to address the necessity for, and reasonableness of, actual fees and charges of my firm through December 31, 2021, and estimated charges through completion of this case.
4. My billing rate is \$270 per hour. The hourly rate is reasonable given my 35 years of experience and the complexity of the issues addressed. Consultants that assist GGCI in this proceeding have lower billing rates and perform services that promote efficient processing of regulatory proceedings of this type. The billing rates charged in this proceeding are reasonable for consultants providing these types of services before regulatory agencies in Texas and around the country.
5. I have included in the following table a summary of hours billed to date, actual charges to date, and estimates of time and billing to complete the case. As shown in the table below, GGCI has billed a total of 352 hours through December 31, 2021. The actual billings to date are for time spent reviewing and analyzing the issues in this case, preparing testimony, calculations and analysis, reviewing discovery, reviewing rebuttal and cross-rebuttal testimony and exhibits, evaluating settlement proposals and calculations and trial preparation.

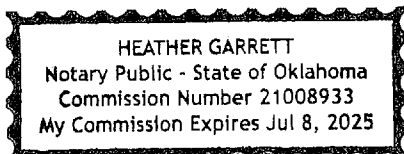
Month	Hours	Hourly Billing Amounts	Expense Charges	Invoice Totals
June-August 2021	116.0	\$25,435.00	\$1,017.40	\$26,452.40
September 2021	30.5	7,005.00	280.20	7,285.20
October 2021	127.0	27,950.00	0	27,950.00
November 2021	46.0	11,230.00	(1,297.60)	9,932.40
December 2021	32.5	8,055.00	0	8,055.00
<b>Total Actual to Date</b>	<b>352.0</b>	<b>\$79,675.00</b>	<b>\$0.00</b>	<b>\$79,675.00</b>
Estimate to Complete	36.0	9,720.00	0.00	9,720.00
<b>Total Actual and Estimate</b>	<b>388.0</b>	<b>\$89,395.00</b>	<b>\$0.00</b>	<b>\$89,395.00</b>

6. I estimate an additional 36 hours of my time will be necessary to complete tasks through the end of this proceeding. The estimated additional hours are for time necessary to prepare for and attend trial, to assist with evaluation of any post trial settlement proposals and to assist with post trial briefing, as needed.
7. I have reviewed the actual invoices for this project and have determined that they reflect no duplicate billings nor individual billings exceeding 12 hours per day. The contractual expense charges for routine expenses (4%), which were billed pursuant to the terms of GGCI's contract with the City of El Paso have been removed and credited back to the City of El Paso (in the November 2021 invoice) per the recommendation of the PUCT Staff. As a result, GGCI has by agreement removed all charges for expenses in this proceeding.
8. Based on my experience relating to analysis of rate proceeding matters and the reasonableness of rate case expenses before the Public Utility Commission of Texas, I conclude that (1) the hourly rates charged and (2) the actual and estimated hours for work performed are both reasonable and necessary in this proceeding.
9. I have attached the actual invoices through December 31, 2021.
10. The statements made in this affidavit are true and correct.

  
 Mark E. Garrett

SUBSCRIBED AND SWORN before me, the undersigned authority, on the 18<sup>th</sup> of January, 2022 by Mark E. Garrett.

  
 Notary Public, State of Oklahoma  
 My Commission Expires: July 8, 2025



GARRETT GROUP CONSULTING, INC.  
4028 OAKDALE FARM CIRCLE  
EDMOND, OK 73013

TELEPHONE (405) 239-2226

E-MAIL: [MGARRETT@GARRETTGROUPLLC.COM](mailto:MGARRETT@GARRETTGROUPLLC.COM)

January 13, 2022

City of El Paso  
Attn: Office of the City Attorney  
P.O. Box 1890  
El Paso, TX 79950-1890

**RE: *El Paso Electric Co., PUC Docket No. 52195***  
***Garrett Group Consulting, Inc. TIN: 83-2450199***

Our invoice for professional services for December 2021 in connection with the above-referenced case follows:

**I. Professional Services:**

A.	Mark Garrett, JD, CPA — (Details in Attachment A)	26.5 hours at \$270.00 per hour	\$7,155.00
B.	Edwin Farrar, CPA — (Details in Attachment B)	6.0 hours at \$150.00 per hour	\$900.00

**II. Expenses:**

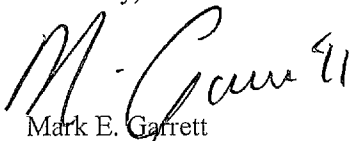
\$0.00

**III. Total Invoice:**

\$8,055.00

We appreciate the opportunity to work with the City of El Paso on this case. Please call me if you should have any questions.

Sincerely,



Mark E. Garrett  
Attachments

**Attachment A**  
Mark Garrett

*Consulting Tasks for*  
**El Paso PUC Docket No. 52195**  
*Billing Period: December 2021*

<b>Dates</b>	<b>Tasks</b>	<b>Hours</b>
December		
2	Review settlement proposal and calculations;	2.5
3	Work on settlement issues; work EDIT and NOLC; prepare discovery on EDIT;	3.5
6	Review discovery responses; Work on settlement issues;	2.0
9	Review discovery responses; Conference with counsel re: settlement;	2.5
13	Review discovery responses; Update rate case expense documentation;	2.5
14	Review discovery responses; Work on settlement issues;	1.5
20	Review correspondence; work on EDIT calculations;	2.0
21	Review discovery responses;	2.5
28	Review EPE discovery responses;	2.0
29	Review Settlement proposal and calculations; Conference with counsel re: settlement	2.5
30	Review Settlement proposal and calculations; work on Errata;	3.0
	<b>Total</b>	<b>26.5</b>

**Attachment B**

Edwin Farrar

*Consulting Tasks for*  
**El Paso PUC Docket No. 52195**  
*Billing Period: December 2021*

<b>Dates</b>	<b>Tasks</b>	<b>Hours</b>
December		
2	Review settlement issues, direct and rebuttal testimony	1.0
3	Review rebuttal testimony, draft discovery questions	2.0
14	Review discovery responses, draft follow-up discovery	1.0
30	Review settlement and errata issues	2.0
	<b>Total</b>	<b>6.0</b>

NORWOOD ENERGY CONSULTING, LLC  
Scott Norwood

PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NO. 52195

APPLICATION OF EL PASO ELECTRIC §  
COMPANY TO CHANGE RATES § BEFORE THE  
§ PUBLIC UTILITY COMMISSION  
OF TEXAS

**RATE CASE EXPENSE AFFIDAVIT OF SCOTT NORWOOD**  
**PROVIDING ACTUAL EXPENSES THROUGH DECEMBER 31, 2021, AND**  
**ESTIMATED EXPENSES THROUGH COMPLETION OF THE PROCEEDING**

I, Don Scott Norwood, state the following facts upon my oath:

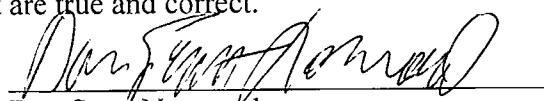
1. My name is Don Scott Norwood. I am over eighteen years of age and am not disqualified from making this affidavit.
2. I am the President of Norwood Energy Consulting, LLC ("NEC"). My business address is 5926 Lookout Mountain Drive, Austin, Texas 78751. My firm has been retained by the City of El Paso to provide expert testimony and analyses on revenue requirement issues in this rate proceeding filed by El Paso Electric Company ("EPE" or "Company"), PUC Docket No. 52195.
3. I am giving this affidavit to address the necessity for, and reasonableness of, actual fees and charges of my firm through December 31, 2021, and estimated charges through completion of this case.
4. My billing rate is \$220 per hour. This hourly rate is reasonable given my 35 years of regulatory consulting experience and the complexity of the issues addressed and is reasonable when compared to charges by other consultants providing these types of services before regulatory agencies in Texas and around the country.
5. I have included in the following table a summary of NEC's hours billed to date, actual charges to date, and estimates of time and charges to complete the case. As shown in the table below, NEC has billed a total of \$56,540 based on 257 man-hours expended on this case through December 31, 2021. The actual billings to date are for time spent reviewing and analyzing the issues in this case, preparing direct and cross-rebuttal testimony, calculations and analysis, reviewing discovery, and reviewing direct, rebuttal and cross-rebuttal testimony and exhibits.



NEC Actual and Forecasted Charges for PUC Docket No. 52195

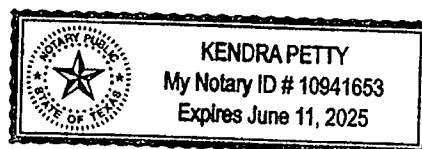
<u>Month</u>	<u>Hours</u>	<u>Fees @ \$220/Hr</u>	<u>Expenses</u>	<u>Total Charges</u>
June	26.0	\$5,720	\$0	\$5,720
July	36.0	\$7,920	\$0	\$7,920
August	38.0	\$8,360	\$0	\$8,360
September	40.0	\$8,800	\$0	\$8,800
October	71.0	\$15,620	\$0	\$15,620
November	33.5	\$7,370	\$0	\$7,370
December	<u>12.5</u>	<u>\$2,750</u>	<u>\$0</u>	<u>\$2,750</u>
Actual Total Through 12/31/21	257.0	\$56,540	\$0	\$56,540
Estimate to Complete	<u>16.0</u>	<u>\$3,520</u>	<u>\$0</u>	<u>\$3,520</u>
Total Actual and Estimated	273.0	\$60,060	\$0	\$60,060

6. I estimate that NEC will incur an additional 16 man-hours and \$3,520 in fees to complete remaining tasks through the end of this proceeding. The estimated additional hours are for time necessary to evaluate any proposed settlement offers and/or for my preparation for and participation in final hearings and testimony in the event a settlement does not occur.
7. I have reviewed the actual invoices for this project and have determined that they reflect no duplicate billings nor individual billings exceeding 12 hours per day. In accordance with NEC's normal practice, the firm's charges for this project do not include any non-labor, travel or administrative expenses incurred for this case.
8. Based on my experience relating to analysis of rate proceeding matters and the reasonableness of rate case expenses before the Public Utility Commission of Texas, I conclude that NEC's (1) hourly rate charged and (2) the actual and estimated hours for work performed on this case are both reasonable and necessary.
9. I have attached NEC's actual invoices through December 31, 2021.
10. The statements made in this affidavit are true and correct.

  
 Don Scott Norwood

SUBSCRIBED AND SWORN before me, the undersigned authority, on the 18<sup>th</sup> of January, 2022 by Don Scott Norwood.

*Kendra Petty*



***Norwood Energy Consulting, L.L.C.***

P. O. Box 30197  
Austin, Texas 78755-3197  
scott@scottnorwood.com  
(512) 297-1889

Mr. Manny Arambula  
Senior Assistant City Attorney  
Office of the City Attorney  
300 N. Campbell, 2<sup>nd</sup> Floor  
El Paso, TX 79901

Date: 1-18-22  
Tax ID #: 26-2374359  
Invoice#: EPERate DEC21

Re: EPE Base Rate Case Analysis - PUC Docket No. 52195

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Statement for professional services rendered 12-1-21 through 12-31-21

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12-08-21	Reviewed rebuttal testimony; drafted RFIs	6.5 hrs
12-21-21	Reviewed RFI responses	3.5 hrs
12-04-21	Reviewed rebuttal testimony and RFI responses	<u>2.0 hrs</u>

Total hours: 12.5 hrs

Total due: 12.5 hours at \$220 per hour = \$2,750

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Thank you for the opportunity to assist with this project.

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RESOLVE UTILITY CONSULTING, PLLC  
David J. Garrett

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

**APPLICATION OF EL PASO  
ELECTRIC COMPANY TO CHANGE  
RATES**

§  
§  
§

**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**AFFIDAVIT OF DAVID J. GARRETT**  
**SUPPORTING SECOND SUPPLEMENTAL RATE CASE EXPENSE FILING**

**STATE OF OKLAHOMA**

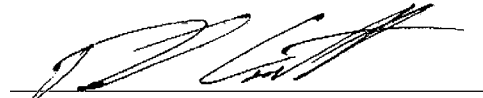
**COUNTY OF OKLAHOMA**

My name is David J. Garrett. My address is 101 Park Ave., Ste. 1125, Oklahoma City, Oklahoma 73102. My business practice consists of expert witness consulting with respect to electric utility regulation. I filed testimony in PUC Docket No. 52195 on behalf of the City of El Paso. This affidavit supports my supplemental rate case expense filing for the month of December 2021 submitted in PUC Docket No. 52195. My billings for those periods are set out in an invoice submitted to the City Attorney for the City of El Paso and submitted in this supplemental filing.

I swear and affirm the following regarding those billings:

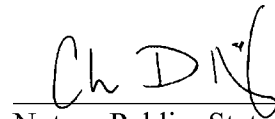
1. The billings consist entirely of my professional services at the hourly rate of \$200 per hour.
2. The rate and charges are reasonable and necessary for the same reasons stated in my Direct Testimony dated Oct. 22, 2021.
3. Invoice number 517 for December 2021 in the amount of \$3,450 is true and correct.
4. The billings are consistent with, and conform to, the statements set out in my rate case expense testimony at pages 35-37 of my Direct Testimony, dated Oct. 22, 2021.
5. The work done by me and submitted in these invoices was necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, the originality of the issues presented, including the nature of the issues raised and addressed by the City in this proceeding, and the amount of time spent by and charges by others for work of a similar nature in this and other proceedings.

The declarations in this my affidavit are true and correct.

  
David J. Garrett

SUBSCRIBED AND SWORN before me, the undersigned authority, on the 20th day of January 2022, by David J. Garrett.



  
Notary Public, State of Oklahoma

My commission expires: 8-7-2023

**Resolve Utility Consulting PLLC**

101 Park Avenue  
Suite 1125  
Oklahoma City, Oklahoma 73102  
(405) 249-1050

**INVOICE**

Bill To

**City of El Paso**

Attn: Office of the City Attorney  
P.O. Box 1890  
El Paso, Texas 79950-1890

Invoice#

INV-000517

Invoice Date

01/17/22

Project Name

El Paso Electric, PUC  
Docket No. 52195,  
Vendor #1000058684,  
Tax ID #81-3933909

Task & Date	Hours	Rate	Amount
Review rebuttal testimony and exhibits 12/02/21	2.50	200.00	500.00
Review discovery, testimony, and exhibits 12/07/21	2.25	200.00	450.00
Review discovery, testimony, and exhibits 12/13/21	2.75	200.00	550.00
Prepare for hearing and review testimony and discovery 12/15/21	3.50	200.00	700.00
Prepare for hearing and review testimony and discovery 12/20/21	3.00	200.00	600.00
Prepare for hearing and review testimony and discovery 12/29/21	3.25	200.00	650.00
Total Hours 17.25		<b>Total</b>	<b>\$3,450.00</b>
		<b>Balance Due</b>	<b>\$3,450.00</b>

James Z. Brazell

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

<b>APPLICATION OF EL PASO ELECTRIC COMPANY TO CHANGE RATES</b>	§ § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
------------------------------------------------------------------------	-------------	----------------------------------------------------

**AFFIDAVIT OF JAMES Z. BRAZELL  
SUPPORTING CITY OF EL PASO'S SECOND SUPPLEMENTAL RATE CASE  
EXPENSE FILING**

**STATE OF TEXAS**

**COUNTY OF WILLIAMSON**

I, James Z. Brazell, state the following facts upon my oath.

1. My name is James Z. Brazell. I am over eighteen years of age and am not disqualified from making this affidavit.
2. I am the owner of the Law Office of James Z. Brazell. My business address is PO Box 2, Taylor, Texas 76574. I have been retained by the City of El Paso to provide expert testimony and analyses on rate case expenses in this rate proceeding filed by El Paso Electric Company ("EPE" or "Company"), Docket No. 52195.
3. I am giving this affidavit to address the necessity for and reasonableness of my actual fees related charges from December 1, 2021, through December 31, 2021, and estimated expenses through completion of this case.
4. My billing rate for consulting services is \$350 per hour. This is my normal billing rate that I charge for legal and rate case consulting services. This rate is reasonable for a consultant providing these types of services before utility regulatory agencies in Texas and around the country. I have more than 30 years of utility rate regulatory experience providing utility legal and rate consulting.
5. I have included in the following table a summary of hours billed to date, actual charges to date, along with estimates to complete the case.

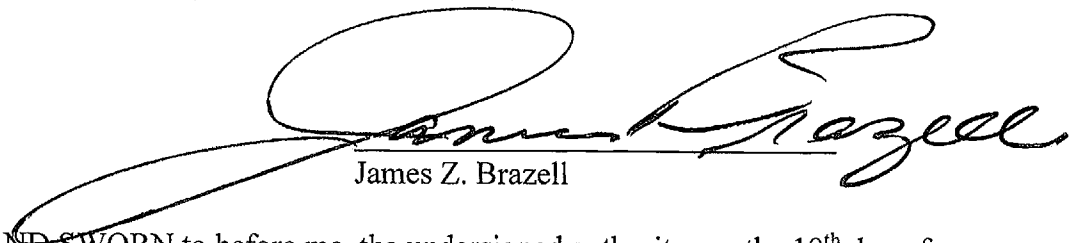
**ACTUAL AND ESTIMATED RATE CASE EXPENSES FOR DANIEL LAWTON**

MONTH	HOURS	CHARGES
SEPTEMBER 2021	2.4 Hrs	\$840.00
OCTOBER 2021	77.8 Hrs	\$26,915.00
NOVEMBER 2021	26.7 Hrs	\$9,345.00



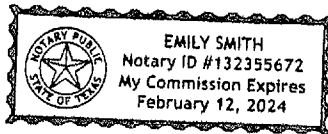
DECEMBER 2021	18.70 Hrs	\$6,545.00
TOTAL ACTUAL TO DATE	<b>125.6 Hrs</b>	<b>\$43,645.00</b>
ESTIMATE TO COMPLETE	10.00 Hrs	\$3,500.00
TOTAL ACTUAL & ESTIMATE	<b>135.6 Hrs</b>	<b>\$47,145.00</b>

6. As shown in the above table I have billed a total of 125.6 hours through December 31, 2021, in Docket No. 52195 for the time spent reviewing and analyzing the issues in this case and preparing testimony and analysis on the issues of rate case expenses. An additional 10 hours are estimated to complete necessary tasks through the end of this proceeding. These estimated hours are for the time I estimate working on the case for review of parties' testimony, review of Company rebuttal, and preparation for final hearings and testimony. Based on my experience, this is a reasonable estimate.
7. I have reviewed the actual invoices and there have been no duplicate billings, no billings exceeding 12 hours per day, no out-of-pocket expenses have been billed and as such there are no billings for alcohol or extravagant items such as expensive meals, lodging, or transportation services.
8. The work done by me and submitted in these invoices was necessary and reasonable with respect to both time and amount considering the nature, extent, and difficulty of the work, the originality of the issues presented, including the nature of the issues raised and addressed by the City in this proceeding, and the amount of time spent by and charges by others for work of a similar nature in this and other proceedings.
9. Based on my experience relating to analysis of rate proceeding matters and the reasonableness of rate case expenses before the Public Utility Commission of Texas, I conclude that: (1) my hourly rate is very reasonable; and (2) the actual hours and estimate of additional hours in this case are both necessary and reasonable.
10. I have attached my actual invoices submitted to the City of El Paso for work from December 1, 2021, to December 31, 2021.
11. The statements made in this affidavit are true and correct.

  
 James Z. Brazell

SUBSCRIBED AND SWORN to before me, the undersigned authority, on the 19<sup>th</sup> day of

January, 2022, by James Z. Brazell.



  
Notary Public, State of TEXAS  
My Commission Expires: 02-12-2024

**LAW OFFICE OF  
JAMES Z. BRAZELL**

**P.O. Box 2**

**TAYLOR, TEXAS 76574**

jbrazell@brazelllaw.com 512-658-0830 512-233-0685 FAX

# INVOICE

**Date:** January 18, 2022  
**Re:** Inv21-1768; Consulting services in Dec 2021  
**From:** Law Office of James Z. Brazell; EIN 51-0631337  
**City of El Paso Vendor No. 1000059002**

**To:** City of El Paso, Texas  
Office of the City Attorney  
Office of the Comptroller  
P.O. Box 1890  
El Paso, TX 79950-1890

CityAttorney-AccountsPayable@elpasotexas.gov

Attn: Frances M. Engelbaum  
Karla M. Nieman  
Angela Riggs

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## Section 1: Legal Services Rendered

### **PUC Docket No. 52195, Application of El Paso Electric Company to Increase Rates, Rate Case Expenses Testimony**

<b><u>Date</u></b>	<b><u>Description</u></b>	<b><u>Hours</u></b>	<b><u>Rate</u></b>	<b><u>Charge</u></b>
12/8/2021	10:18 A to 10:48 A. El Paso. Tel. conf. w/ N. Gordon ref his approval of need to e-mail all attorneys and consultants ref need to submit RCE invoices and data for Dec 20th RCE submission.	0.5	\$ 350.00	\$ 175.00
12/9/2021	10:18 A to 10:48 A. El Paso. Drafted and sent e-mail to all attorneys and consultants ref need to submit RCE invoices and data for Dec 20th RCE submission.	0.5	\$ 350.00	\$ 175.00

12/13/2021	8:42 A to 9:18 A. El Paso. Drafted and sent follow up e-mail to attorneys and consultants ref needing invoices for Dec 20th update. Rec'd and rev'd responses.	0.6	\$	350.00	\$	210.00
12/13/2021	11:54 A to 12:36 P. El Paso. Rec'd and responded to M. Garrett's question regarding a) what periods for invoices? and b) do we need affidavits? Reviewed direct witnesses' testimony to determine which had used/submitted affidavits. Drafted and sent e-mail to attorneys and consultants advising of period and need for affidavits.	0.7	\$	350.00	\$	245.00
12/14/2021	4:06 P to 6:12 P. El Paso. Drafted and sent e-mail to N. Gordon w/ questions. Rec'd and resp'd to N. Gordon e-mails. Rec'd rev'd and resp'd to e-mails from consultants ref RCE documents. Reviewed documents needed for Dec 20th supplemental filing. Commenced compiling First Supplemental filing and summary table.	2.1	\$	350.00	\$	735.00
12/15/2021	11:30 A to 5:24 P. El Paso. E-mail w/ N. Gordon. Collected invoices and affidavits for City's Dec 20 First Supplemental RCE filing. Continued preparing/compiling City's First Supplemental filing and summary table. Tel. confs. w/ D Lawton, D. Garrett, N. Gordon, H. Garrett, C. Johnson ref affidavits and invoices.	5.9	\$	350.00	\$	2,065.00
12/16/2021	3:00 P to 6:18 P. El Paso. Continued preparing and compiling El Paso's First Supplemental RCE filing. Formatted and added Bates numbering. Forwarded to N. Gordon with e-mail.	3.3	\$	350.00	\$	1,155.00
12/16/2021	7:00 p to 8:24 P. El Paso. Worked on data sent by D. Garrett and El Paso Comptroller to determine basis for Comptroller's error paying incorrect vendors.	1.4	\$	350.00	\$	490.00
12/17/2021	12:12 P to 3:24 P. El Paso. Rec'd and rev'd N. Gordon Revised Declaration. Revised draft supplemental submission. Created and added cover pleading. Corrected erroneous calculations. Checked corrected calculations. Reviewed, evaluated, and identified errors in City payments to "Resolve" vs "Resolved". Tel. conf. w/ N. Gordon ref revisions. Tel. conf w/ D. Garrett ref Comptroller erroneous processing. Tel. conf. w/ F. Engelbaum ref correction of erroneous processing.	3.2	\$	350.00	\$	1,120.00
12/20/2021	10:42 A to 11:12 A. El Paso. Drafted sent and received and reviewed e-mails to/from N. Gordon ref filing of first supplemental RCE filing. Extracted and sent Word version of cover pleading to add to the filing.	0.5	\$	350.00	\$	175.00
<b>Total</b>		<b>18.70</b>			<b>\$</b>	<b>6,545.00</b>

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## Section 2: Out of Pocket Expenses & Reimbursable Charges

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<b>Date</b>	<b>Vendor / Services</b>	<b><u>Hours</u></b>	<b><u>Rate</u></b>	<b><u>Charge</u></b>
12/1/2021	NA (No Expenses)	NA	NA	NA
	<b>Total Expenses &amp; Reimbursable Charges</b>			<b>NA</b>

### Section 3: Summary of Charges

		<b>Outstanding Charges/Credits</b>	
<b>Date</b>	<b>Invoice/Payment</b>		
12/15/2021	Inv21-1763, Consulting services in Oct 2021	\$	26,915.00
12/15/2021	Inv21-1767, Consulting services in Nov 2021	\$	9,345.00
NA	Payment: No payment rec'd at time of this invoice	\$	-
	<b>Outstanding Charges/Credits</b>	<b>\$</b>	<b>36,260.00</b>
		<b>Current Charges</b>	
1/18/2022	Inv21-1768; Consulting services in Dec 2021	\$	6,545.00
	Expenses/Reimbursable charges (see above)		NA
	<b>Current charges</b>	<b>\$</b>	<b>6,545.00</b>
	<b>Outstanding charges/(credits) (from above)</b>	<b>\$</b>	<b>36,260.00</b>
	<b>Total due</b>	<b>\$</b>	<b>42,805.00</b>

**Please remit within 15 days of receipt to:**

Law Office of James Z. Brazell  
P.O. Box 2  
Taylor, Texas 76574

**Note(s):**

<b>Retainer Summary/Balance</b>			
		\$0.00	\$ -
<b>Current retainer balance</b>			<b>\$ -</b>