



Filing Receipt

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Control Number - 52195
ItemNumber - 580

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

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

§
§
§
§
§

**BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS**

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

The City of El Paso (the "City") submits its Fourth Monthly Supplemental Rate Case Expense Submission in this proceeding, attached. This submission supplements Exhibit JZB-RCE-3, attached to the Direct Testimony of James Z. Brazell filed on October 22, 2021, in this matter, and the City's First, Second, and Third Supplemental RCE Submissions, filed on December 20, 2021, January 20, 2022, and February 22, 2022, respectively, 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 22nd 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.

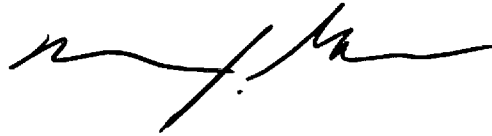
Dated: March 21, 2022

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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(915) 212-0033
(915) 212-0034 (fax)
Niemankm@elpasotexas.gov
Engelbaumfm@elpasotexas.gov

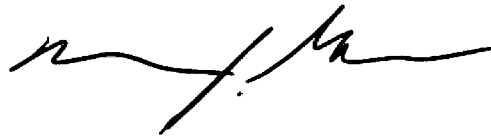
Attorneys for the City of El Paso



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 March 21, 2022.



Norman J. Gordon

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

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

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

March 21, 2022

EXHIBIT JZB-RCE-3 FOURTH SUPPLEMENTAL

**Summary of and Invoices and Source Documents for City of El Paso Rate Case Expenses for
Participation in PUC Docket Nos. 52195 through February 28, 2022**

Exhibit 3A Fourth 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 February 28, 2022

(a) Attorney/Consultant	(b) Invoice Date	(c) Invoice No.	(d) Billing Period	(e) Fees	(f) Expenses	(g) Invoiced Amounts
Legal Fees and Expenses						
Norman J. Gordon	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
	1/18/2022	181	Dec 2021	\$35,770.00	\$0.00	\$35,770.00
	2/9/2022	184	Jan 2022	51,625.00	\$6,372.02	\$57,997.02
	3/16/2022	185	Feb 2022	22,085.00	\$0.00	\$22,085.00
			Total			\$216,727.26
Molly Mayhall Vandervoort ¹	2/4/2022	271	Jan 2022	NA	NA	NA
	NA	NA	Feb 2022	NA	NA	NA
			Total			\$0.00
Snapper Carr, Curtis Seidlits						
	1/18/2022	2100	Jun 8- Dec 31, 2021	\$21,490.00	\$0.00	\$21,490.00
	1/18/2022	2102	Jan 1-15, 2022	\$11,321.25	\$0.00	\$11,321.25
	2/18/2022	2103	Jan 16- 31, 2022	\$7,832.50	\$0.00	\$7,832.50
	3/17/2022	2108	Feb 2022	\$11,945.00	\$0.00	\$11,945.00
			Total			\$52,588.75

¹ Per footnote 1 in the City's February 22, 2022, supplemental RCE filing, Ms. Mayhall-Vandervoort's charges for January 2022, were included in Mr. Gordon's statement dated 2/9/22.

Consultants and Experts Fees and Expenses						
ReSolved Energy (Karl Nalepa)						
	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
	1/6/2021	4933	Dec 2021	\$9,342.00	\$0.00	\$9,342.00
	2/7/2022	4939	Jan 2022	\$4,464.00	\$0.00	\$4,464.00
	3/8/2022	4968	Feb 2022	\$711.00	\$0.00	\$711.00
			Total			\$38,925.00
CJ Energy (Clarence Johnson)	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
	2/3/2022	5	Jan 2022	\$2,508.00	\$0.00	\$2,508.00
	3/11/2022	6	Feb 2022	\$836.00	\$0.00	\$836.00
			Total			\$36,824.00
Dan Lawton	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
	2/15/2022	2152022	Jan 2022	\$7,875.00	\$0.00	\$7,875.00
	NA	NA	Feb 2022	\$0.00	\$0.00	\$0.00
			Total			\$82,600.00

Garrett Group (Mark Garrett)	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
	2/7/2022	NA	Jan 2022	\$7,330.00	\$0.00	\$7,330.00
	NA	NA	Feb 2022	\$0.00	\$0.00	\$0.00
			Total			\$87,005.00
Resolve Utility (David Garrett)	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
	2/18/2022	000522	Jan 2022	\$2,100.00	\$0.00	\$2,100.00
	NA	NA	Feb 2022	\$0.00	\$0.00	\$0.00
			Total			\$35,400.00
Norwood Energy (Scott Norwood)						
	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
	2/21/2022	EPERate JAN22	Jan 2022	\$3,300	\$0.00	\$3,300.00
	NA	NA	Feb 2022	\$0.00	\$0.00	\$0.00

			Total			\$59,840.00
Law Ofc of James Z Brazell (James Brazell)	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
	2/18/2022	Inv22- 1769	Jan 2022	\$12,075.00	\$0.00	\$12,075.00
	3/15/2022	Inv22- 1770	Feb 2022	\$4,795.00	\$0.00	\$4,795.00
			Total			\$60,515.00
			Case Total			\$670,425.01

**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 FOURTH MONTHLY SUPPLEMENTAL RATE CASE EXPENSE
SUBMISSION**

March 21, 2022

EXHIBIT JZB-RCE-4 FOURTH 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, to February 28, 2022.**

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

Attorney/Consultant	Invoice Date	Invoice No.	Billing Period	Fees	Expenses	Invoice Amount
Norman J. Gordon	8/27/2021	170	Apr-Jul 2021	\$5,635.00	\$0.00	\$5,635.00
	1/18/2022	NA	Aug-Dec 2021	\$16,800.00	\$0.00	\$16,800.00
	3/17/2022	186	Jan-Feb 2022	\$490.00	\$0.00	\$490.00
			Total			\$22,925.00
			Case Total			\$22,925.00

Norman J. Gordon

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
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FIFTH 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 the University of Illinois at Urbana-Champaign. I have been in the 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, rulemaking 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 February 1, 2022, through February 28, 2022. During that month there were ongoing settlement negotiations, mediation and preparation for the resumption of the hearing which had been suspended for 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 February 2022, I billed a total of \$22,085.00 in fees. There were no expenses in February 2022. The total for my fees and expenses through February 2022 is \$216,727.26. All other services charged were for my time for settlement negotiations and preparation for and participation in the mediation, as well as client communications and conferences with the client and other parties. The invoice and support are attached to this declaration as Attachment A. There were no charges for first-class travel or hotel expense or any travel. There was 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 before the close of the evidence. The services to be provided after February 28, 2022, include the completion of the hearing, settlement negotiations, post-hearing briefing, including any necessary activities after the issuance of the Proposal for Decision. Based on my experience, I estimate an additional \$70,000 to \$90,000 in fees, plus expenses for copies and transcripts which may be an additional \$3,500 in the event the case does not settle. Even though the hearing is being conducted via Zoom[®] there will be travel to final order meetings of the Commission. These estimates do not include the estimates of the costs of an appeal of any decision, should that be necessary.

7. In connection with Docket No. 52040 (Advanced Metering), I billed \$490.00 for services in January and February 2022. There were no expenses. The services were in connection with getting a settlement agreement filed and related matters. There will be some additional time to review the proposed final order and monitor the final order meeting at which it is presented.

8. I am familiar with the hourly rates charged by others for similar work. My rate for this case at \$350.00 per hour and Ms. Vandervoort's rate of \$240 per hour are at or below the rate charged by others with similar experience for similar work. All of the work done by me and Ms. Vandervoort 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 as well as Docket 52040, 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 March 21, 2022

A handwritten signature in black ink, appearing to read 'Norman J. Gordon', written over a horizontal line.

Norman J. Gordon

ATTACHMENT A
INVOICE FEBRUARY 2022 Services
RE: PUCT DOCKET 52195

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

Page: 1
03/16/2022
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 03/16/2022 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>\$22,085.00</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 2021 Rate Case Matter No. 21-1008-174

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03/16/2022
Account No: 1-30M
Statement No: 185

Payments received after 03/16/2022 are not included on this statement.

<u>Fees</u>			Hours	
02/01/2022	NJG	Complete draft of Motion for Mediation, send to City Attorney Office team for comment and revision, Receipt and review of UTEP et al. settlement proposal, EPE comparative issues, Tel. w/ C. Johnson re: settlement proposals, Meeting with all parties, start potential counter offer, Meeting with City attorney team, Status call w/ K. Nieman.	4.10	1,435.00
02/02/2022	NJG	E-mails re: presentation of counter offer to other group/Meeting with City Attorney Group re: counter offer and status, Tel. C. Johnson. A. Stephenson, B. Hallmark. Evaluation of comments re: Counter offer	2.50	875.00
02/03/2022	NJG	Work on alternative presentation for counter offer, compare EPE numbers and complete numbers, Tel. C. Seidlits, Receipt of E-mail from B. Hallmark with alternative, Conf w/ limited parties, Tel. K. Nieman and City Attorney Office, Appear at meeting of all parties, E-mail re: motion for mediation, Tel. S. Carr, Tel. K Nieman and City Manager.	3.10	1,085.00
02/04/2022	NJG	Tel. F. Engelbaum, Research issues related to City Council meetings of 2/14--2/15 Receive and review counter offer from Rate 41/UTEP et al. Tel. A. Kever, E-mails re: position on Mediation Motion, Meeting with all parties, Meeting w/ B. Slocum and Z. Stephenson, Revise motion for mediation, Review and transmit EPE thoughts to client and consultant.	3.40	1,190.00
02/07/2022	NJG	Gather and transmit rate information to the City Attorney Office, Tel. K. Nieman (2), Meeting with TIEC/OPUC/FMI, Vinton and EPE re: possibility of settlement offer response, Finalize and file Motion for Mediation, review staff response and E-mails C. Hughes, Tel. C. Seidlits, Meeting with all parties.	3.20	1,120.00
02/08/2022	NJG	E. mails re: status of mediation responses, E-mail from FMI attorney re: potential response, Tel. w/ F. Engelbaum re: status and potential offer, Tel. F. Engelbaum re: e-mail on mediation, Review E-mail re: mediation from		

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

			Hours	
		Judges, E-mail to client. Tel. w/ C. Johnson re: effect of proposal and concepts for evaluation.	2.50	875.00
02/09/2022	NJG	Review Order RE: mediation, E-mails from parties regarding availability and necessity of meeting. Tel. B. Slocum, Tel. Z. Stephenson re: status, Attend meeting of parties to agree on mediation date and respond to mediator Judge. Assess information in last proposal from FMI and TIEC re: effect of rates, Gather information for City Attorney. E-mails from J. Brazell re: rate case expense update.	2.80	980.00
02/10/2022	NJG	E-mails re: Mediation E-mail from Mediator Judges, Retrieve and Prepare data for Council presentations on 2-14, Tel. K. Nieman, Review draft correspondence to Mediator Judges, Attend Meeting of all parties, Meeting with City Attorney office re: mediation and Council presentation.	2.40	840.00
02/11/2022	NJG	Review and transmit Mediation letter from Mediators to Client, Review revised "joint submission" and comment Tel. B. Slocum. Review TIEC proposed changes and comments of other parties.	1.40	490.00
02/14/2022	NJG	Preparation for mediation SOAH Guides, begin mediation statement, Attend Council meeting open session for discussion, Attend executive session, E-mails re: presentations and questions, Tel. B. Slocum	2.40	840.00
02/15/2022	NJG	Work on draft of pre-mediation statement to mediators, E-mails re: Council Action on 2/14.	2.40	840.00
02/16/2022	NJG	Continued work on draft statement to mediator, E-mails re: pre-mediation meeting with mediators, Tel. C. Johnson, Conf w/ F. Engelbaum, J. Gonzalez, D. Davie re: mediation and steps leading up to mediation.	4.10	1,435.00
02/17/2022	NJG	Complete draft mediation statement, E-mail to co-counsel, Prepare rate case expense declaration for periodic filing.	3.80	1,330.00
02/18/2022	NJG	E-mails re: pre mediation statement, rate case expense filing to be made on 2/22/22, Prepare for meeting w/Mediators	1.60	560.00
02/21/2022	NJG	Revisions to Pre-mediation statement, Meeting with City representatives and mediators prior to mediation, Tel. A. Kever, Review and change Rate Case Expense declaration,	4.50	1,575.00
02/22/2022	NJG	Final adjustments and revisions to Pre-mediation statement. E-mails with co counsel re: statement, Review final Rate Case expense report and file. Tel. J. Brazell re: report, Tel. A. Kever re: mediation status.	1.60	560.00
02/23/2022	NJG	Prepare background for mediation, E-mails re: mediation procedures, and calculations.	1.20	420.00
02/24/2022	NJG	Final Prep for and attend Mediation (Mediation sign on at 7:45 MST Mediation Ended 6:35 MST)	11.20	3,920.00
02/25/2022	NJG	Tel. B. Slocum, After mediation meeting with Clients, Co-counsel. Prepare		

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

				Hours	
		number scenarios for client presentation at Council meeting, Tel. S. Carr re: status.		2.90	1,015.00
02/28/2022	NJG	Review and Comment on presentation for Executive Sessions/E-mails re: changes/Receipt and Review of Report from Mediators/ Tel. K. Nalepa re: issues in calculations/Tel. D. Lawton re: status/ Monitor for and Appear at Executive Session/Tel. S. Carr re: executive Session discussion.		2.00	700.00
		For Current Services Rendered		63.10	22,085.00
Recap					
<u>Timekeeper</u>		<u>Title</u>		<u>Hours</u>	<u>Rate</u>
Norman J Gordon				63.10	\$350.00
		Total Current Work			22,085.00
		Balance Due			\$22,085.00

Please make checks payable to "Norman J. Gordon"

ATTACHMENT B
INVOICE JANUARY AND FEBRUARY 2022 Services
RE: PUCT DOCKET 52040

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

Page: 1
03/17/2022
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 03/17/2022 are not included on this statement.

Norman J Gordon
Attorney At Law

	Balance
1-27 EPE AMS Filing PUC Docket 52040	<u>\$490.00</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

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 03/17/2022
 Account No: 1-27M
 Statement No: 186

Attn: Karla M. Nieman

EPE AMS Filing PUC Docket 52040

Payments received after 03/17/2022 are not included on this statement.

Fees

			Hours	
01/14/2022	NJG	Tel. B. Hallmark re: issues in final documents, Review staff edits to documents and items to be changed, Tel. S. Olson, Review revised documents, and as filed documents.	0.90	315.00
01/24/2022	NJG	Tel. S. Olson RE: Potential interim rates.	0.20	70.00
02/16/2022	NJG	E-mails re: interim rates with S. Olson and CAO	0.30	105.00
		For Current Services Rendered	1.40	490.00

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Norman J Gordon		1.40	\$350.00	\$490.00
Total Current Work				490.00
Balance Due				<u>\$490.00</u>

<u>Fees</u>	<u>Expenses</u>	<u>Billing History</u>	<u>Finance Charge</u>	<u>Payments</u>
490.00	0.00	<u>Advances</u> 0.00	0.00	0.00

Please make checks payable to "Norman J. Gordon"

LAW OFFICE of SNAPPER L. CARR
Snapper Carr

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

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

4. This declaration addresses fees and expenses for our work in Docket 52195 from Feb. 1, 2022 through Feb. 28, 2022. During that month there was considerable preparation for the Ordered Mediation, participation in the mediation, and extensive discussions and work on

settlement negotiations. In addition, the services included assisting in getting the presentations ready and Staff prepared for the City Council briefings on the case under its original jurisdiction.

5. 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.

6. 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. Our billing invoices for Feb. 1st- Feb. 28th, 2022 total \$11,945.00. As of this report we have submitted invoices (including this period) totaling \$52,588.75. We estimate an additional \$10,000 or less in additional billings primarily dealing with preparation for hearing, client discussions, and additional proceedings associated with settlement discussions and mediation of the rate case. 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. All of the invoiced amounts are for services charged were for our time for final preparation for the mediation, participating in the mediation, settlement negotiations and conferences with the client. The invoices and support are attached to this declaration as Attachment A. There were no charges for first class travel or hotel expense or any travel.

7. All of the work done by my Law Office including Curtis L. Seidlits and myself 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.

Further Declarant Says Not.

Dated March 21, 2022



Snapper L. Carr

ATTACHMENT A
INVOICE FEBURARY 2022 Services
RE: PUCT DOCKET 52195

Law Offices of Snapper L. Carr

INVOICE

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

DATE: March 17, 2022
(Feb 1st - 28th, 2022)
INVOICE # 2108

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 1

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	
2/1/22: City legal team call, call with parties, review of party emails, and City Exec. Session briefing (CLS)	1.50	375.00	\$ 562.50
2/2: Party settlement call; City legal team call; review of current party proposals and positions. (CLS)	2.00	375.00	750.00
2/3: Settlement call; City legal team call; review of party proposals via email; Party settlement call; call w/ N. Gordon. (CDR)	2.00	485.00	970.00
2/7: EPE & party settlement call; small group settlement call; review of party emails. (CLS)	0.75	375.00	281.25
2/8: Review of party emails; review of mediation order; large group settlement call; and call with N. Gordon. (CLS)	1.25	375.00	468.75
2/9: Settlement Call with parties, call with N. Gordon (CLS)	1.00	375.00	375.00
2/21: Review of mediation materials by City & Company; participation in pre-mediation call w/ mediators, Prep call with City legal team of key issues presented in mediation. (CDR)	4.00	485.00	1,940.00
2/23: Mediation prep; call w/ City legal team; review positions (CDR)	1.00	485.00	485.00
2/24: City prep call; participation in mediation, City debrief call. (CDR)	10.50	485.00	4,850.00
2/25: City legal debrief call, review of emails, & prep next steps. (CDR)	1.25	485.00	606.25
2/28: Prep exec session, review positions, City exec session. (SLC)	1.75	375.00	656.25
SUBTOTAL			\$ 11,945.00
OTHER			
TOTAL			\$ 11,945.00

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

THANK YOU FOR YOUR BUSINESS!

ReSOLVED ENERGY CONSULTING, LLC
Karl J. Nalepa

7. Assisting me on this proceeding is Erin Cromleigh. Her billing rate is \$180 per hour and it the normal billing rate charged to all clients for this type of work. 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 2.8 actual hours charged during this period are both reasonable and necessary.

Further Declarant Says Not.

Dated March 17, 2022


Karl J. Nalepa

ReSolved Energy Consulting, LLC

11044 Research Blvd, A-420

Austin, TX 78759

Invoice

DATE	INVOICE NUMBER
3/8/2022	4968

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)	2.3	270.00	621.00
Consulting (Cromleigh)	0.5	180.00	90.00
Total Labor			711.00
Work Completed thru - February 28, 2022		TOTAL DUE	\$711.00

Monthly Recap

Karl Nalepa

Date	Task	Hours
<i>February 4, 2022</i>	Review responses to discovery.	0.30
<i>February 9, 2022</i>	Review motion for mediation and reply.	0.50
<i>February 15, 2022</i>	Review case update.	0.20
<i>February 18, 2022</i>	Prepare and send RCE declaration and invoice to J. Brazell.	0.50
<i>February 28, 2022</i>	Call with N. Gordon regarding certain CEP adjustments. Discuss with E. Cromleigh and prepare explanation of adjustments. Review allocation proposal.	0.80
		2.30

Monthly Recap

Erin Cromleigh

Date	Task	Hours
<i>February 28, 2022</i>	Research revenue adjustment for N. Gordon.	0.50
		0.50

Daniel J. Lawton

No Charges for Docket No. 52195 in February 2022

CJ ENERGY CONSULTING
Clarence Johnson

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

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

STATE OF TEXAS

COUNTY OF TRAVIS

**DECLARATION OF CLARENCE L. JOHNSON SUPPORTING
FOURTH MONTHLY SUPPLEMENTAL RATE CASE EXPENSE FILING**

My name is Clarence L. Johnson. My business address is 3707 Robinson Ave. Austin TX 78722. I am over 18 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.

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 declaration supports my supplemental rate case expense filing for the month of February 2022 submitted in PUC Docket No. 52195. My billings for those periods are set out in Invoice 6 submitted to the City Attorney for the City of El Paso and submitted in this supplemental filing.

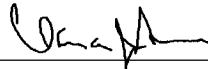
This declaration addresses my fees for work performed in February, 2022:

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 February 2022 in the amount of \$836.00 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.

Further Declarant says not.

Dated: March 16, 2022

A handwritten signature in black ink, appearing to read 'Clarence L. Johnson', is written over a horizontal line.

Clarence L. Johnson

CLARENCE JOHNSON
CJ ENERGY CONSULTING
3707 ROBINSON AVENUE
AUSTIN, TX 78722
512-506-1896
MARCH 11, 2022

INVOICE 6

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 February, 2022. The total billing is \$836. 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

Attachment: Billing Detail for February 2022

Date	Activity	Hours
1-Feb	Conference calls for settlement	0.5
2-Feb	Limited group settlement conference call	0.5
2-Feb	Review files, exhibits for settlement discussion; email NG.	1
4-Feb	Review EPE spreadsheet, transmit comment to NG	0.5
7-Feb	Review proposals; settlement conference call	0.5
10-Feb	Review & Comment on draft letter to mediator; email NG.	0.3
25-Feb	Email response to NG question regarding revenue issues	0.5
	Total hours	3.8
	Times \$220/hour	\$836.00

GARRETT GROUP CONSULTING, INC.
Mark E. Garrett

No Charges for Docket No. 52195 in February 2022

RESOLVE UTILITY CONSULTING, PLLC
David J. Garrett

No Charges for Docket No. 52195 in February 2022

NORWOOD ENERGY CONSULTING, LLC
Scott Norwood

No Charges for Docket No. 52195 in February 2022

James Z. Brazell

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

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

DECLARATION OF JAMES Z. BRAZELL
SUPPORTING CITY OF EL PASO'S FOURTH MONTHLY SUPPLEMENTAL RATE
CASE EXPENSE FILING

STATE OF TEXAS

COUNTY OF WILLIAMSON

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

My name is James Z. Brazell. My business address is PO Box 2, Taylor, Texas 76574. I am over eighteen years of age and 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.

1. I am the owner of the Law Office of James Z. Brazell. 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.

2. I am making this declaration to address the necessity for and reasonableness of my actual fees related charges from February 1, 2022, through February 28, 2022, and revised estimated expenses through completion of this case.

3. 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. I have more than 30 years of utility rate regulatory experience providing utility legal and rate consulting.

4. 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 JAMES Z.
BRAZELL

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	18.7 Hrs	\$6,545.00
JANUARY 2022	34.5 Hrs	\$12,075.00
FEBRUARY 2022	13.7 Hrs	\$4,795.00
TOTAL ACTUAL TO DATE	173.8 Hrs.	\$60,515.00
ESTIMATE TO COMPLETE	20.00 Hrs	\$7,000.00
TOTAL ACTUAL & ESTIMATE	193.8 Hrs	\$67,515.00

5. As shown in the above table I have billed a total of 173.8 hours through February 28, 2022, in Docket No. 52195 for the time spent reviewing and analyzing the issues in this case, preparing testimony and analysis on the issues of rate case expenses, and preparing supplemental RCE update filings. An additional 20 hours are estimated to complete necessary tasks through the end of this proceeding. These hours are greater than estimated in my prior filings because of inclusion of the time required to prepare the City's monthly RCE supplemental filings. The hours also include the time estimated for review and assistance, if required, drafting briefs and reply briefs, evaluating the proposal for decision, reviewing and drafting exceptions and replies, responding to any proposed order, and reviewing and drafting motions for rehearing and replies. Based on my experience, this is a reasonable estimate.

6. 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.

7. 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.

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.

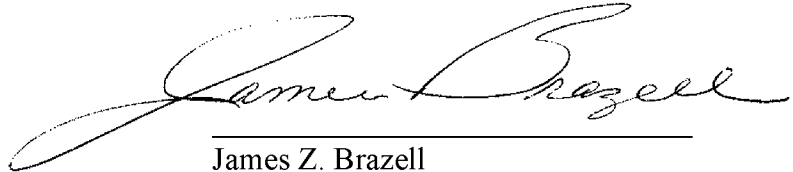
9. I have attached my actual invoices submitted to the City of El Paso for work from February 1, 2022, to February 28, 2022.

10. **Correction of Dec 20, 2021, and Jan. 20, 2022 affidavits:** on Bates 000068 of the City's December 20, 2021, 1st Supplemental RCE Update filing in Par. 5 at the bottom of Page 1 of the Affidavit of James Z Brazell and on Bates 000063 of the City's January 20, 2022, 2nd Supplemental RCE Update filing in Par. 5 at the bottom of Page 1 of the Affidavit of James Z Brazell, the titles of the tables should be corrected to read "ACTUAL AND ESTIMATED RATE CASE EXPENSES FOR JAMES Z BRAZELL."

11. **Correction of Third Supplemental Update, Exhibit 3A Third Supplemental:** on Bates 000007 of the City's February 22, 2021, 3rd Supplemental RCE Update filing, on the line for the 2/18/2022 invoice, column c, Invoice No, at the top of the page, the Invoice number should be corrected to read "Inv22-1769."

Further Declarant Says Not.

March 17, 2022



James Z. Brazell

**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: March 15, 2022
Re: Inv22-1770; Consulting services in Feb 2022
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

EPCityAttorney-AccountsPayable@elpasotexas.gov

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

Section 1: Legal Services Rendered

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

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Charge</u>
2/8/2021	3:00 P to 3:36 P. El Paso. Reviewed abatement and mediation filings. Drafted and sent e-mail to N. Gordon pointing out impact on Feb 18th update filing deadline (per Staff). Stated options and asked response.	0.6	\$ 350.00	\$ 210.00
2/9/2021	3:06 P to 3:54 P. El Paso. Rec'd and rev'd e-mail response from N. Gordon regarding timing of next update filing. Drafted and sent e-mail to all consultants ref preparing for Feb 20 (to be filed Feb 22 due to weekend/holiday) update filing.	0.8	\$ 350.00	\$ 280.00

2/17/2021	3:00 PM to 6:24 P. El Paso. Reviewed e-mails relating to preparation of City of El Paso's Third Monthly Supplemental RCE filing. Collected data, included data in summary sheets, drafted Third supplemental filing, revised draft declarations, returned to experts for approval and execution, checked addition of fees and expenses, and continued drafting complete Third supplemental filing.	3.4	\$	350.00	\$	1,190.00
2/18/2021	9:48 A to 1:30 P. El Paso. Prepared City's Third Supplemental RCE Update. Continued collecting invoices and affidavits/declarations from attorneys and consultants. Made revisions. Harvested data and included in draft summary sheets. Checked totals. Drafted and sent e-mails to seek remaining information.	3.7	\$	350.00	\$	1,295.00
2/18/2021	3:42 P to 5:00 P. El Paso. Continued receipt of RCE data from consultants and consolidating into City's Third Supplemental RCE Update. Checked addition of figures. Incorporated data into combined document.	1.3	\$	350.00	\$	455.00
2/19/2021	2:24 P to 3:48 P. El Paso. Received additional RCE data from consultants. Saved, reviewed, and consolidated into Third Supplemental Update. Continued compiling and saving data to draft. Completed draft and forwarded to N. Gordon for review.	1.4	\$	350.00	\$	490.00
2/21/2021	6:00 P to 7:54 P. El Paso. E-mails to from N. Gordon ref reference to M Mayhall-Vandervoort expenses in Third RCE Update. Received and reviewed e-mail and attachments from N. Gordon. Revised draft Third RCE Update to include data/info provided by N. Gordon. Revised draft to include M. Mayhall-Vandervoort expenses in N. Gordon's expenses, invoice, and declaration. E-mailed completed draft to N. Gordon.	1.9	\$	350.00	\$	665.00
2/22/2021	9:00 A to 9:36 A. El Paso. Final revisions to Third RCE Supplement (Bates 000004). E-mailed final copy to N. Gordon to file. Tel. conf. w/ N. Gordon ref filing. Checked PUC Interchange to verify filing.	0.6	\$	350.00	\$	210.00
Total		13.70			\$	4,795.00

Section 2: Out of Pocket Expenses & Reimbursable Charges

Date	Vendor / Services	Hours	Rate	Charge
2/1/2022	NA (No Expenses)	NA	NA	NA
Total Expenses & Reimbursable Charges				NA

Section 3: Summary of Charges

Outstanding Charges/Credits

Date	Invoice/Payment	
1/18/2022	Inv21-1768, Consulting services in Dec 2021	\$ 6,545.00
2/18/2022	Inv22-1769; Consulting services in Jan 2022	\$ 12,075.00
	Payment(s):	\$ -
	Outstanding Charges/Credits	\$ 18,620.00

	Current Charges	
3/15/2022	Inv22-1770; Consulting services in Feb 2022	\$ 4,795.00
	Expenses/Reimbursable charges (see above)	NA
	Current charges	\$ 4,795.00
	Outstanding charges/(credits) (from above)	\$ 18,620.00
	Total due	\$ 23,415.00

Please remit within 15 days of receipt to:

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

Note(s):

Retainer Summary/Balance		
	\$0.00	\$ -
Current retainer balance		\$ -