



## Filing Receipt

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

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

**TEXAS INDUSTRIAL ENERGY CONSUMERS FIRST REQUEST FOR**  
**INFORMATION TO EL PASO ELECTRIC COMPANY**

Pursuant to 16 T.A.C. § 22.144, Texas Industrial Energy Consumers (“TIEC”) requests that El Paso Electric Company (“EPE”) provide all of the information requested in Exhibit “A” within the time frame specified under the procedural schedule set in this proceeding.

Pursuant to 16 T.A.C. § 22.144(c)(2), TIEC further requests that answers to the requests for information be made under oath. Each answer should identify the person responsible for preparing that answer (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can vouch for its accuracy. In producing documents pursuant to this request for information, please indicate the specific request(s) to which the document is being produced. These requests are continuing in nature, and should there be, for any reason, a change in circumstances which would modify or change an answer supplied by you, such changed answer should be submitted immediately as a supplement to your original answer pursuant to 16 T.A.C. § 22.144(i). Please answer each request and sub-request in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the request. TIEC further requests that each item of information be made available as it is completed, rather than upon compilation of all information requested.

All information responsive to the requests on the attached Exhibit “A” should be sent to the following persons via overnight courier, on a piecemeal basis as individual items become available:

Mr. Rex D. VanMiddlesworth  
Mr. Benjamin B. Hallmark  
Mr. Christian Rice  
500 W 2nd Street, Suite 1900  
Austin, TX 78701  
(737) 204-4720  
[rexvanm@omm.com](mailto:rexvanm@omm.com)  
[bhallmark@omm.com](mailto:bhallmark@omm.com)  
[crice@omm.com](mailto:crice@omm.com)  
[OMMeservice@omm.com](mailto:OMMeservice@omm.com)

### **DEFINITIONS AND INSTRUCTIONS**

A. “EPE,” “the Company” or “you” refers to El Paso Electric Company, and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons. This definition is not intended to extend an RFI to encompass attorney work product.

B. “Applicant” refers to El Paso Electric Company, and their affiliates, subsidiaries, and any person acting or purporting to act on their behalf, as it relates to this proceeding and related appeals, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons. This definition is not intended to extend an RFI to encompass attorney work product.

C. The terms “document” or “documents” are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced, reproduced or stored by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mail, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. The definition includes electronic information that has been deleted. “Document” or “documents” shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

D. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, TIEC specifically requests that any electronic or magnetic information (which is included in the definition of “document”) that is responsive to a request herein be produced on CD-ROM in a format that is compatible with Adobe Acrobat, Microsoft, Macintosh and/or Word Perfect and be produced with your response to these requests. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the

email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-Rom.

E. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

F. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”

G. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”

H. The term “concerning,” or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

I. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

J. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

K. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

L. If any document is withheld under any claims of privilege, please furnish a list identifying each document for which a privilege is claimed together with the following information: date, sender, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed. This instruction is not intended to impose an obligation greater than contemplated by the Commission’s rules and any applicable orders in this case.

M. Pursuant to 16 T.A.C. § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

N. If the information requested is included in previously furnished exhibits, workpapers, and responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references.

O. The term “emails” includes the entire email string and all attachments found anywhere within the email string. Please refer to paragraph “D.” regarding specific instructions for producing such items.

P. “Communications” refers to correspondence of any kind, including emails.

Q. “Identify” and “describe” shall have the meaning set forth below according to the context in which the term is used:

- i. When used in reference to an individual, shall mean to state his or her full name, business affiliation, job title, and business address and telephone number;
- ii. When used in reference to a corporation, shall mean to state its full name, its state of incorporation, its address and its principal place of business;
- iii. When used in reference to any entity other than an individual or corporation, shall mean to state its official name, its organizational form and its address;
- iv. When used in reference to a document, shall mean to state the type of document, date, author, addressee, title, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any document, copies thereof may be furnished; and
- v. When used in reference to a communication, shall mean to state the form of the communication (e.g., telephone conversation, letter, telegram, teletype, telecopy, written memorandum, face to face conversation, or any other form), the date of the communication or the dates on which the communication was sent and/or received if not the same, the parties to the communication, the party who initiated it, the substance of the communication, and the present location and the name and address of the custodian if the communication was non-verbal and/or of any written memorialization of the communication.

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Benjamin B. Hallmark

Rex D. VanMiddlesworth

State Bar No. 20449400

Benjamin B. Hallmark

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500 W 2nd Street, Suite 1900

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**ATTORNEYS FOR TEXAS INDUSTRIAL  
ENERGY CONSUMERS**

**CERTIFICATE OF SERVICE**

I, Christian Rice, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 20<sup>th</sup> day of July, 2021 by electronic mail, facsimile, and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian Rice

Christian Rice

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

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

**TEXAS INDUSTRIAL ENERGY CONSUMERS FIRST REQUEST FOR  
INFORMATION TO EL PASO ELECTRIC COMPANY**

- TIEC 1-1** To the extent not already provided, please provide all schedules, exhibits, tables, figures and supporting workpapers in electronic format with all formulas intact supporting the testimonies of all EPE witnesses. This is an ongoing request for all subsequent testimonies.
- TIEC 1-2** Please provide copies of all publications and credit reports referenced in or considered by witnesses Ms. Jennifer E. Nelson and Ms. Lisa D. Budtke. This is an ongoing request for all subsequent testimonies filed by these witnesses.
- TIEC 1-3** Referring to Appendix A included in Ms. Nelson’s direct testimony, in electronic format with all formulas intact, please provide Ms. Nelson’s proposed and commission-approved returns on equity in each one of the regulatory proceedings included in her Appendix A. Please provide the order date and number, and the page number of the commission findings.
- TIEC 1-4** Please provide copies of all credit reports published by Standard & Poor’s (“S&P”), Moody’s and Fitch Ratings for EPE, issued over the last two years. This is an ongoing request.
- TIEC 1-5** Please provide complete copies of all credit reports issued by S&P, Moody’s and Fitch Ratings over the last two years that discuss the current electric utility industry as reviewed by any EPE witness. If EPE witnesses have not reviewed the material, please so state. This is an ongoing request.
- TIEC 1-6** Please provide copies of all correspondence, presentations and all other materials that EPE or its parent company provided to credit and equity analysts over the last two years. This is an ongoing request.
- TIEC 1-7** Please provide a projection of EPE’s capital expenditures out over the next five years, and an estimate of the sources of cash available to fund these capital expenditures broken out by external debt markets, external equity infusions from its parent company, retained earnings, depreciation expense, deferred taxes and other sources (explain). Please also include in this response the funding planned for debt maturity, retirements and/or refinancing over this same time period.

- TIEC 1-8** In electronic format with all formulas intact, please provide the monthly average balances for construction work in progress and short-term debt for the most recent 13-month period. Please identify the amount of short-term debt included in the regulatory capital structure
- TIEC 1-9** Please provide the amount of capitalized interest estimated to be paid during the test year related to construction projects.
- TIEC 1-10** In electronic format with all formulas intact, please provide the five-year projected and five-year historical capital structure, capital expenditures and capital funding. Please include a breakdown of all sources of equity capital including retained earnings, paid-in capital, and debt capital, both long-term and short-term debt, etc.
- TIEC 1-11** Please describe how EPE accesses external capital. If the Company's external capital is provided by its parent company under a credit agreement, please describe the terms of the credit agreement and the associated service fees.
- TIEC 1-12** Please provide the most recent senior secured, unsecured and corporate credit ratings of EPE, assigned by S&P, Moody's and Fitch. Also, please provide EPE's S&P business and financial risk profiles and identify the benchmark volatility table (standard, medial or low) used by S&P.
- TIEC 1-13** To the extent not already provided, please provide in electronic format with all formulas intact, EPE's credit metric calculations relied on by S&P and Moody's for the last five years and near-term projections if available. Please include all financial statements used to derive these credit metrics. In addition, please provide S&P and Moody's benchmark ranges for the credit metrics.
- TIEC 1-14** Please state whether EPE's regulated retail operations have any off balance sheet debt such as purchased power agreements and operating leases. If the answer is "yes," provide the amount of each off-balance sheet debt item and estimate the related imputed interest and amortization expense associated with these off-balance sheet debt equivalents specific to EPE's jurisdictional regulated retail electric operations.
- TIEC 1-15** Do any of EPE's outstanding long-term debt issues have call provisions? If the answer is "yes," please provide a list of the callable issues with the following: a) outstanding balance, b) issuance date, c) maturity date, d) coupon payment percent, e) annual interest expense, and f) call price (as a percent of par).
- TIEC 1-16** Has EPE performed any debt refinancing feasibility studies on its outstanding debt issues? If the answer is "yes," please provide the following:
- a. A detailed description of the results from the study.
  - b. A detailed description of the conclusions(s) made by EPE based on the results of the study.



- c. All debt refinancing feasibility studies in electronic format with all formulas intact.

**TIEC 1-17** Please provide a copy of all academic publications or studies Ms. Nelson is familiar with that discuss the use of adjusted value line betas in the Empirical CAPM.

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Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Benjamin B. Hallmark

Rex D. VanMiddlesworth

State Bar No. 20449400

Benjamin B. Hallmark

State Bar No. 24069865

Christian Rice

State Bar No. 24122294

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OMMeservice@omm.com

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**CERTIFICATE OF SERVICE**

I, Christian Rice, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 20<sup>th</sup> day of July, 2021 by electronic mail, facsimile, and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian Rice

Christian Rice

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