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**SOAH DOCKET NO. 473-22-2610
PUC DOCKET NO. 53551**

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY TO REVISE ITS	§	
ENERGY EFFICIENCY COST	§	OF
RECOVERY FACTOR AND	§	
ESTABLISH REVISED COST CAPS	§	ADMINISTRATIVE HEARINGS

**COMMISSION STAFF’S COMMENTS ON PROPOSED NOTICE ON EL PASO
ELECTRIC COMPANY’S UPDATED APPLICATION**

On May 2, 2022, El Paso Electric Company (EPE) filed an application to revise its energy efficiency cost recovery factor (EECRF) and request to establish revised cost caps. On May 26, 2022, EPE filed an updated application which removed a document uploaded in error in their original application.

On May 24, 2022, the State Office of Administrative Hearings (SOAH) administrative law judge (ALJ) issued Revised SOAH Order No. 2, which required Staff to file comments regarding the sufficiency of EPE's notice by May 26, 2022. Therefore, this pleading is timely filed.

I. COMMENTS ON PROPOSED NOTICE

Staff has reviewed the proposed notice filed by EPE and finds that the notice satisfies the requirements of 16 Texas Administrative Code (TAC) § 25.182(d)(13). Although 16 TAC § 25.182(d)(13) requires proof of notice to be issued 7 days after the application is filed, SOAH Order No. 1 states, “Commission Staff shall examine EPE’s proposed notice and, by May 13, 2022, provide comments or objections regarding the sufficiency of notice. If Staff finds the proposed notice sufficient, EPE shall immediately commence providing notice. Proof of notice will be filed with the Commission upon completion of notice.” Because more than 7 days have passed since the application was filed on May 2, 2022, Staff initially recommended that the deadline of May 13, 2022, for EPE to commence providing notice in SOAH Order No. 1, should control. As the date for Staff’s initial recommendation has passed, Staff now recommends a

deadline of May 26, 2022, for EPE to commence providing notice, and that proof of notice be filed with the Commission upon completion of notice.

Additionally, in accordance with 16 TAC § 25.182(d)(13), EPE proposes to provide notice to: (1) all parties of record in EPE's most recently completed EECRF docket, Docket No. 52081; (2) all parties of record in EPE's most recently completed base rate case, Docket No. 46831; and (3) to the state agency that administers the federal weatherization program, the Texas Department of Housing and Community Affairs. Finally, the proposed form of notice in Attachment B to the application satisfies 16 TAC § 25.182(d)(13), which describes reasonable notice as "a general description of the application and the docket number assigned to the application." Therefore, Staff recommends that EPE's proposed notice be found sufficient.

II. CONCLUSION

Based on the analysis above, Staff respectfully requests that an order be issued finding EPE's notice sufficient.

Dated: May 25, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 25, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus