



## Filing Receipt

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

<b>APPLICATION OF EL PASO</b>	<b>§</b>	
<b>ELECTRIC COMPANY FOR</b>	<b>§</b>	<b>BEFORE THE</b>
<b>APPROVAL TO REVISE ITS ENERGY</b>	<b>§</b>	
<b>EFFICIENCY COST RECOVERY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FACTOR AND REQUEST TO</b>	<b>§</b>	
<b>ESTABLISH REVISED COST CAPS</b>	<b>§</b>	<b>OF TEXAS</b>

**CITY OF EL PASO'S FIRST REQUESTS FOR INFORMATION TO**  
**EL PASO ELECTRIC COMPANY CEP 1-1—CEP 1-14**

The City of El Paso (the “City”) requests that the El Paso Electric Company (“EPE”) provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within twenty (20) calendar days. Please copy the question immediately above the answer to each question. The question(s) are continuing in nature, and if there is a relevant change in circumstances, such as that new or additional information or review reveals that an answer previously made is no longer complete or is inaccurate, that EPE submit an amended answer, under oath, as a supplement to your original answer within five days of the discovery of new or additional information. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

The City requests that EPE serve its respective responses to this Request on the following person via electronic mail and delivery of hard copies:

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

Donald C. Davie, Assistant City Attorney  
Assistant City Attorney  
300 N. Campbell, 2nd Floor

## DEFINITIONS AND INSTRUCTIONS

1. This Request is directed to El Paso Electric Company ("EPE"). Reference to EPE, "**you**" or "**your**" means all divisions, departments, bureaus, agencies, and all witnesses whose testimony EPE intends to present, and all persons acting or purporting to act for or on behalf of EPE, including its directors, officers, employees, and agents.

2. The terms "**document**" and "**documents**" are used in their broadest sense and shall mean and include all written, printed, electronic, typed, recorded, or graphic matter of every kind and description, including drafts, originals and copies, and all attachments and appendices thereto. Without limiting the foregoing, the terms "document" or "documents" shall include all agreements, contracts, communications, correspondence, letters, telegrams, telexes, messages, memoranda, records, reports, books, summaries, tape recordings or other records of personal conversations, minutes or summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time books, time records, instructions, work assignments, financial statements, work sheets, workpapers, drafts, graphs, maps, charts, tables, accounts, analytical records, consultant reports, appraisals, bulletins, brochures, pamphlets, circulars, trade letters, press releases, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, advertising, recommendations, printouts, compilations, tabulations, analyses, studies, surveys, transcripts of hearings, transcripts of testimony, affidavits, expense reports, microfilm, microfiches, articles, speeches, tape or disk recordings, sound recordings, video recordings, film, tape, photographs, punch cards, programs, data compilation from which information can be obtained (including matter used in data processing) and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, electronically-stored matter, however and by whomever produced, prepared, reproduced, disseminated, or made.

3. "**Person**" means any natural person, firm, association, partnership, joint venture, corporation, estate, trust, receiver syndicate, municipal corporation, government agency, any other form of legal entity, and other group or combination acting as a unit.

4. "**Relating to**" a subject means making a statement about, mentioning, referring to, discussing, describing, reflecting, identifying, dealing with, consisting of, constituting or in any way pertaining, in whole or in part, to the subject.

5. "**Identify**" means:

- a. as to a "person," stating his, her or its:
  - (i) legal, full, and customarily used names;
  - (ii) present residential or business address;
  - (iii) job title; and
  - (iv) name of employer.
- b. as to a document, act, event, transaction or occurrence, stating:
  - (i) its date, authors or participants;
  - (ii) the place where it took place, was created or occurred;
  - (iii) its purpose and subject matter; and

(iv) a concise description of what transpired.

6. For each response, please state the Request for Information and identify the individual(s) responsible for preparing and sponsoring the response by name and title.

7. Pursuant to Rule 196.4, Texas Rules of Civil Procedure, any electronic or magnetic data included in the definition of document should be produced on a CD-ROM or similar media that is compatible with Microsoft Office software.

8. For each document produced that is generated by computer, please identify:

- a. the nature and source of the data constituting the input;
- b. the form of the input (e.g., tapes, punch cards);
- c. the recording system employed (e.g., program, flow charts); and
- d. the person(s) responsible for processing the input and/or performing the programming.

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

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

11. The terms “**and**” and “**or**” shall be construed as either disjunctive or conjunctive as necessary to make this request inclusive rather than exclusive.

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

13. The term “**including**” means and refers to “including but not limited to.”

14. 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.

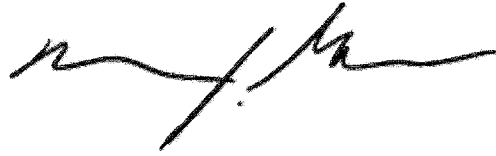
15. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

Dated June 23, 2021

Respectfully submitted,

Norman J. Gordon ([ngordon@ngordonlaw.com](mailto:ngordon@ngordonlaw.com) )  
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El Paso, Texas, 79940  
221 N. Kansas, Suite 700  
El Paso, Texas, 79901  
(915) 203 4883

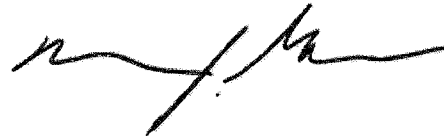
Karla M. Nieman, City Attorney  
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Donald C. Davie, Assistant City Attorney  
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Attorneys for the City of El Paso



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 June 23, 2022.



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

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

**CITY OF EL PASO'S FIRST REQUEST FOR INFORMATION CEP 1-1—CEP 1-14**

- CEP 1-1** Refer to the Direct Testimony of Crystal A. Enoch at 7. Please clarify if the 2021 decision by EPE to turn off the Demand Response Pre-Enrollment “DRPE” option from the Residential Marketplace Pilot MTP was/will be continued in 2022 and 2023. If so, explain if the projected costs and demand savings reflect this limitation.
- CEP 1-2** Refer to Exhibit CAE-01. Table 8 shows that in 2021, EPE had verified savings under its Small Commercial Solutions MTP of 728 kW. And on Exhibit CAE-01, page 10 of 48, EPE explained that it paid incentives up to \$400 per kW reduction under the Small Commercial Solutions MTP. Given these values, it appears that EPE should have paid out a maximum of \$291,200 in incentives (728 kW x \$400/kW). Yet, on Table 10, EPE reports that in 2021 it expended \$460,529 in incentives for its Small Commercial Solutions MTP. Please provide a detailed explanation for why there is a difference between the calculated incentives and reported incentives paid and provide a reconciliation of the difference.
- CEP 1-3** Refer to Exhibit CAE-01. Table 8 shows that in 2021, EPE had verified savings under its Large Commercial & Industrial (C&I) Solutions MTP of 2,043 kW. And on Exhibit CAE-01, page 10 of 48, EPE explained that it paid incentives up to \$240 per kW reduction under the Large C&I Solutions MTP. Given these values, it appears that EPE should have paid out a maximum of \$490,320 in incentives (2,043 kW x \$240/kW). Yet, on Table 10, EPE reports that in 2021 it expended \$1,014,932 in incentives for its Large C&I Solutions MTP. Please provide a detailed explanation for why there is a difference between the calculated incentives and reported incentives paid and provide a reconciliation of the difference.
- CEP 1-4** Refer to Exhibit CAE-01. Table 8 shows that in 2021, EPE had verified savings under its Texas SCORE MTP of 982 kW. And on Exhibit CAE-01, page 10 of 48, EPE explained that it paid incentives up to \$240 per kW reduction under the Texas SCORE MTP. Given these values, it appears that EPE should have paid out a maximum of \$235,680 in incentives (982 kW x \$240/kW). Yet, on Table 10, EPE reports that in 2021 it expended \$528,379 in incentives for its Texas SCORE MTP. Please provide a detailed explanation for why there is a difference between the calculated incentives and reported incentives paid and provide a reconciliation of the difference.
- CEP 1-5** EPE’s Appliance Recycling MTP pays \$50 per qualifying refrigerator or freezer that is recycled. On Exhibit CAE-01, Table 10, EPE reports that in 2021 it had 950 participants in its Appliance Recycling MTP. Given these values, it appears that EPE should have paid out \$47,500 in rebates (950 x \$50). Yet, on Table 10, EPE reports that in 2021 it expended \$186,240 in incentives for its Appliance Recycling

MTP. Please provide a detailed explanation for why there is a difference between the calculated incentives and reported incentives paid and provide a reconciliation of the difference.

- CEP 1-6** EPE's Residential Load Management MTP pays \$25 to \$75 per qualifying internet enabled smart thermostat to enroll in the program. On Exhibit CAE-01, Table 10, EPE reports that in 2021 it had 6,922 participants in its Residential Load Management MTP. Given these values, it appears that EPE should have paid out between \$173,050 (6,922 x \$25) and \$519,150 in incentives or rebates (6,922 x \$75). Yet, on Table 10, EPE reports that in 2021 it expended \$549,829 in incentives for its Residential Load Management MTP. Please provide a detailed explanation for why there is a difference between the calculated incentives and reported incentives paid and provide a reconciliation of the difference.
- CEP 1-7** Regarding EPE's Residential Load Management MTP, please provide the number of customers that enrolled an existing qualifying internet enabled smart thermostat and the number of customers that purchased and installed a new qualifying internet enabled smart thermostat through EPE's online marketplace.
- CEP 1-8** Regarding EPE's Residential Load Management MTP, please clarify whether a customer can enroll more than one qualifying internet enabled smart thermostat (for example, in a home that has two HVAC units). If so, please provide the number of customers that enrolled more than one qualifying internet enabled smart thermostat in 2021 and explain if the customer received an incentive or rebate for each thermostat.
- CEP 1-9** Under EPE's Residential Load Management MTP, EPE advertises that it will automatically adjust a customer's thermostat during an Energy Saver event, but customers can override automatic adjustments at any time.
- a. Please confirm that customers can override automatic adjustments at any time.
  - b. Please indicate the number of times and the duration for each time that an Energy Saver event occurred during 2021.
  - c. Please provide the number of times that a customer had overridden the automatic adjustment in 2021.
  - d. Please explain what happens when a customer overrides the automatic adjustment. For example, is the customer removed from the program or does the customer forfeit their \$25 incentive?
- CEP 1-10** Refer to Exhibit CAE-01. From Tables 8 and 10, EPE reports that in 2021 it spent \$68 per kW (\$549,829 / 8,044 kW) to save 8,044 kW under its Residential Load Management MTP. But from Tables 5 and 6, EPE reports that in 2023 it will spend only \$39 per kW (\$700,000 / 18,000 kW) to save 18,000 kW under its Residential Load Management MTP. Please explain how EPE revised its program to dramatically lower the cost per kW saved.

- CEP 1-11** Refer to Exhibit CAE-01, Table 9. Please provide Administrative and R&D expenses separately by year for 2017 through 2021.
- CEP 1-12** Refer to Exhibit CAE-01, Table 11. Please explain how the Residential Marketplace Pilot MTP and the Residential Load Management MTP work in tangent for the purpose of reallocating program funds.
- CEP 1-13** Please explain if any program costs (incentives, admin or R&D) or demand or energy savings are allocated between the Texas and New Mexico jurisdictions. If so, please identify the cost or savings and explain the basis for the allocation.
- CEP 1-14** Refer to the Direct Testimony of Victor Silva at 10-12. Please explain the changes that would have to be made to EPE's energy efficiency programs to meet its demand savings goals while remaining under the allowed cost caps of \$0.001433 per kW and \$0.000896 per kW for residential and commercial customer groups, respectively.