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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

APPLICATION OF TEXAS-NEW MEXICO POWER COMPANY FOR
APPROVAL TO ADJUST ITS ENERGY EFFICIENCY COST RECOVERY
FACTOR AND RELATED RELIEF

SOAH ORDER NO. 4

ADMITTING EVIDENCE; REMANDING CASE TO THE COMMISSION;
AND DISMISSING CASE FROM SOAH'S DOCKET

On August 24, 2022, Texas-New Mexico Power Company (TNMP), with the staff (Staff) of the Public Utility Commission of Texas (Commission), Cities Served by Texas-New Mexico Power Company (Cities), Texas Energy Association for Marketers (TEAM), and Alliance for Retail Markets (ARM) (jointly, Signatories) filed a Joint Motion to Admit Evidence and Remand to the Commission (Motion). On the same date, the Signatories filed a Stipulation and

Settlement Agreement (Settlement Stipulation) that resolves all issues in this proceeding.

The Motion requests that the following documents be admitted into evidence for the limited purpose of supporting the Settlement Stipulation:

1. TNMP's application and attachments, including the Direct Testimony of Stefani M. Case, the Direct Testimony of Stacy R. Whitehurst, and the Direct Testimony of Michael S. Seamster filed on May 27, 2022;
2. TNMP's amended application filed on June 13, 2022;
3. Affidavit Verifying Service by TNMP filed on June 3, 2022;
4. Commission Staff's Response to SOAH Order No. 1 commenting on Sufficiency of Notice filed on June 30, 2022;
5. TNMP's Responses to Cities' First Requests for Information filed on June 29, 2022;
6. TNMP's Responses to Commission Staff's First Request for Information filed on July 14, 2022;
7. Affidavit of Jamie L. Mauldin with Cities' rate case expense supporting documentation, filed on July 11, 2022;
8. TNMP's Responses to TEAM's First Request for Information filed on August 3, 2022;
9. Settlement Stipulation filed on August 24, 2022;
10. TNMP's Settlement Testimony of Stacy R. Whitehurst filed on August 24, 2022; and
11. Commission Staff's Settlement Testimony of Ruth Stark, filed on August 24, 2022.

The Motion also requests that this proceeding be remanded to the Commission for consideration of the Proposed Order attached to the Stipulation Settlement.

As demonstrated by the Stipulation Settlement, there are no remaining contested issues, and no hearing is required in this proceeding. Accordingly, the Motion is **GRANTED**. The above-referenced documents are **ADMITTED**, and this case is **REMANDED** to the Commission and **DISMISSED** from the docket of the State Office of Administrative Hearings.

The Stipulation Settlement includes a proposed order with proposed findings of fact, conclusions of law, and ordering paragraphs. As soon as practicable, TNMP **SHALL** email a Word version of the proposed order to the Commission at cadmorders@puc.texas.gov.

SIGNED AUGUST 25, 2022

ALJ Signature(s):

A handwritten signature in black ink, appearing to read "Daniel Wiseman", written over a horizontal line.

Daniel Wiseman,

Presiding Administrative Law Judge