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| APPLICATION OF TEXAS-NEW MEXICO POWER COMPANY FOR APPROVAL TO ADJUST THE ENERGY EFFICIENCY COST RECOVERY FACTOR | § § § § § | PUBLIC UTILITY COMMISSION OF TEXAS |
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**AMENDED APPLICATION OF TEXAS-NEW MEXICO POWER COMPANY FOR
APPROVAL TO ADJUST THE ENERGY EFFICIENCY COST RECOVERY FACTOR
AND RELATED RELIEF**

COMES NOW Texas-New Mexico Power Company (TNMP) and files this Amended Application for Approval to Adjust the Energy Efficiency Cost Recovery Factor (Application), which amends only a few typographical issues in its original application filed on May 27, 2022, in this proceeding (Original Application), not any testimony or exhibits supporting its Original Application.

I. AUTHORIZED REPRESENTATIVES

The telephone number and address of TNMP's authorized business representative is as follows:

Stefani Case
Energy Efficiency Manager
Texas-New Mexico Power Company
577 N. Garden Ridge Blvd.
Lewisville, Texas 75067
Tel: 214-222-4174
Fax: 214-222-4156
stefani.case@tnmp.com

The telephone numbers and addresses of TNMP's authorized legal representatives are:

Scott Seamster
Associate General Counsel
Texas-New Mexico Power Company
577 N. Garden Ridge Blvd.
Lewisville, Texas 75067
Tel: 214-222-4143
Fax: 214-222-4156
scott.seamster@pnmresources.com

Stephanie C. Sparks
VEDDER PRICE
100 Crescent Court
Suite 350
Dallas, Texas 75201
Tel: 469-895-4830
Fax: 469-895-4802
ssparks@vedderprice.com

TNMP requests that all information and documents in this filing be served on each of the persons above at their respective addresses or fax numbers.

II. JURISDICTION

The Commission has jurisdiction over the Application pursuant to Public Utility Regulatory Act (PURA) § 39.905 and 16 Tex. Admin. Code § 25.182 (TAC).

III. AFFECTED PERSONS AND TERRITORIES

The Application affects all retail electric providers (REPs) serving end-use retail electric customers in TNMP's certificated service territory and will affect the retail electric customers of those REPs to the extent that the REPs pass along to their customers the charges under Rider EECRF.

IV. BACKGROUND

In Docket No. 52153, the Commission approved TNMP's 2022 EECRF in the amount of \$7,176,356. PURA § 39.905 and 16 TAC § 25.182(d)(8) require a utility in an area in which customer choice is offered to apply, not later than June 1st of each year, to adjust its EECRF to reflect changes in costs and performance bonus and to minimize any over- or under-collection in the prior program year. The EECRF adjustment shall be effective March 1st of the following year.

Therefore, TNMP is requesting in the current docket, approval of its 2023 EECRF in the amount of \$7,444,549, including reasonable proceeding expenses of \$34,335 from its EECRF proceeding in Docket No. 52153, and a 5.44 MW energy efficiency goal. TNMP's request regarding the 2023 EECRF is based on the following components:

| Amount | Description |
|--------------------|---|
| \$5,459,822 | Energy efficiency expenses forecasted for the 2023 program year |
| \$1,905,862 | Energy Efficiency Performance Bonus under 16 TAC § 25.182(e), |
| \$52,421 | EM&V expenses for 2023 |
| \$13,186 | Municipal Rate Case Expense recovery |
| \$13,134 | Under Collection in 2021 |
| \$124 | Interest on Under Collection |
| \$7,444,549 | Total Request |

Once approved, TNMP’s 2023 EECRF will go into effect on March 1, 2023, coinciding with TNMP’s first billing cycle of the March 2023 billing month.

V. REQUEST FOR APPROVAL TO ADJUST THE ENERGY EFFICIENCY COST RECOVERY FACTOR

Pursuant to PURA § 39.905(b)(1)-(2) and 16 TAC § 25.182(d), TNMP requests approval of the updates to Rider EECRF to recover in 2023, \$5,459,822 in projected energy efficiency program costs related to its 2023 program year, a \$1,905,862 Energy Efficiency Performance Bonus under 16 TAC § 25.182(e), based on TNMP’s energy efficiency achievements in 2021, up to \$13,186 in Municipal Rate Case Expense recovery, and \$13,134 for the under-collection of 2021 energy efficiency costs, interest on the under-collection of \$124, as well as approval of TNMP’s reasonable proceeding expenses from its EECRF proceeding in Docket No. 52153, in the amount of \$34,335 (accounted for in the 2021 under-collection). In order to comply with the time limits as stated in 16 TAC § 25.182(10)(E), (J), (M), TNMP proposes the following procedural schedule for timely processing of this application:

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| Filing Date: | May 27, 2022 |
| Notice Served | May 27, 2022 |
| File Affidavit of Notice | June 10, 2022 |
| Deadline to Intervene and Request for Hearing; End of RFIs to Company | June 28, 2022 |
| If No Hearing Requested: | |
| Staff Recommendation | July 1, 2022 |
| Open Meeting Agenda | July, 2022 |
| Deadline for Commission to issue a Final Order (90 days) | Aug. 25, 2022 |

If Hearing Requested:

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| Objections to TNMP's Direct Testimony | July 1, 2022 |
| Discovery ends on TNMP Direct Testimony | July 6, 2022 |
| Replies to Objections to TNMP's Direct Testimony | July 7, 2022 |
| Intervenor Direct Testimony | July 15, 2022 |
| Objections to Intervenor Direct Testimony | July 22, 2022 |
| Staff Direct Testimony | July 28, 2022 |
| Replies to Objections on Intervenor Direct | August 2, 2022 |
| Discovery Ends on Intervenor Direct Testimony | August 2, 2022 |
| Objections to Staff Direct Testimony | August 4, 2022 |
| TNMP Rebuttal and Staff/Intervenor Cross Rebuttal | August 4, 2022 |
| Discovery Ends on Rebuttal and Cross-Rebuttal | August 8, 2022 |
| Replies to Objections to Staff Direct Testimony | August 8, 2022 |
| Hearing on the Merits | August 15, 2022 |
| Deadline for Commission to issue a Final Order (180 days) | Nov. 23, 2022 |

VI. DESCRIPTION OF FILING PACKAGE

In support of its Application, TNMP included the direct testimony, exhibits, and (where applicable) workpapers of Ms. Case, Mr. Whitehurst, and Mr. Seamster, in TNMP's Original Application. Ms. Case provides background on the Commission's energy efficiency requirements and rules applicable to investor-owned utilities, describes TNMP's energy efficiency programs and the estimated costs to TNMP for those programs in 2023 to be recovered through Rider EECRF. Mr. Whitehurst's testimony discusses statutory changes to the energy efficiency rules, details the calculation of TNMP's 2023 energy efficiency goal of 5.44 MW and its 2021 performance bonus, outlines the methods for TNMP to recover costs and supports TNMP's proposed Rider EECRF to recover costs from the different customer classes. Mr. Whitehurst's testimony also discusses case expenses and the proposed mechanisms for TNMP's recovery of case expenses. Finally, Mr. Seamster's testimony provides a discussion of the legal case expenses incurred in the prosecution of Docket No. 52153 in 2021.

VII. NOTICE

TNMP provided notice pursuant to 16 TAC § 25.182(d)(13) by serving a Notice of Rate Change Request, Attachment A to TNMP's Original Application, via facsimile transmission, regular mail, and/or electronic mail on each of the parties participating in TNMP's most recent

EECRF, Docket No. 52153, all REPs authorized to provide service in TNMP's service area at the time the EECRF application is filed, all parties in TNMP's most recently completed base-rate case, Docket No. 48401, and on Texas Dept. of Housing & Community Affairs. TNMP filed an affidavit attesting to the completion of the above notice on June 3, 2022.

TNMP requests approval of the above notice as sufficient and in accordance with 16 TAC § 22.55.

VIII. PROTECTIVE ORDER

TNMP anticipates that, in the course of this proceeding, it may be asked to furnish confidential information, the disclosure of which to third parties would place TNMP at a severe competitive advantage or cause it to violate contractual confidentiality obligations. Therefore, TNMP requested in its Original Application that the Commission approve its standard protective order, attached as Attachment B thereto, to facilitate discovery in this case.

IX. PRAYER

THEREFORE, PREMISES CONSIDERED, TNMP requests the Commission (a) approve the form of notice provided as Attachment A to TNMP's Original Application and issue a protective order in the form of the proposed protective order provided as Attachment B to TNMP's Original Application, (b) grant this Application, (c) approve Rider EECRF with an effective date of March 1, 2023, (d) approve recovery of all reasonable proceeding expenses related to Docket 52153, and (e) grant TNMP any and all such other relief to which it has been requested and to which it may be entitled.

Respectfully submitted,

/s/ Stephanie C. Sparks

VEDDER PRICE

Stephanie C. Sparks
State Bar No. 24042900
100 Crescent Court, Suite 350
Dallas, Texas 75201
Tel: 469-895-4830
Fax:
ssparks@vedderprice.com

Scott Seamster
State Bar No. 00784939
Associate General Counsel
**PNMR SERVICES COMPANY ON BEHALF OF
TEXAS-NEW MEXICO POWER COMPANY**
577 N. Garden Ridge Blvd.
Lewisville, Texas 75067
Tel: 214-222-4143
Fax: 214-222-4156
scott.seamster@pnmresources.com

**ATTORNEYS FOR TEXAS-NEW
MEXICO POWER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June 2022, a true and correct copy of the foregoing document was transmitted to the parties of record.

/s/ Stephanie C. Sparks

Stephanie C. Sparks