



## **Filing Receipt**

**Filing Date - 2023-04-13 01:27:06 PM**

**Control Number - 54614**

**Item Number - 13**

**DOCKET NO. 54614**

<b>APPLICATION OF EL PASO ELECTRIC</b>	<b>§</b>	
<b>COMPANY FOR APPROVAL OF ITS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TEXAS ELECTRIC VEHICLE-READY</b>	<b>§</b>	
<b>PILOT PROGRAMS AND TARIFFS</b>	<b>§</b>	<b>OF TEXAS</b>

**EL PASO ELECTRIC COMPANY’S FIRST PETITION FOR REVIEW OF  
MUNICIPAL ORDINANCES AND MOTION TO CONSOLIDATE**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

El Paso Electric Company (“EPE” or “Company”) files this First Petition for Review of a municipal resolution, appealing the municipality’s decisions attached as Exhibit A denying EPE’s application for approval of the Texas Electric Vehicle (“EV”)-Ready Pilot Programs and Tariffs. EPE also moves to consolidate this appeal with the above-captioned proceeding. This Petition is filed within 30 days of the municipality’s final decision and is therefore timely.<sup>1</sup> In support of this Petition and Motion, EPE respectfully shows the following:

**I. JURISDICTION**

The Public Utility Commission of Texas (“Commission”) has jurisdiction over this Petition and Motion pursuant to PURA §§ 32.001, 33.051, 33.053, 33.054, and 36.001.

**II. REQUEST FOR REVIEW AND CONSOLIDATION**

On January 30, 2023, EPE filed with the Commission an application for approval of the Texas Electric Vehicle (“EV”)-Ready Pilot Programs and Tariffs (“Application”). EPE concurrently filed the Application with the cities in EPE’s service territory that had retained original jurisdiction over EPE’s rates within their municipal boundaries. In the resolution attached as Exhibit A, the Town of Vinton declined to approve EPE’s requested rates.

Therefore, EPE requests that the Commission exercise its appellate jurisdiction to conduct a *de novo* review of the listed actions denying EPE’s Application, consolidate this appeal with Docket No. 54614, and establish the final rates that the municipality would have set by approving EPE’s Application. These proceedings should be consolidated because the proceedings involve

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<sup>1</sup> PURA§ 33.053(b).

common questions of law and fact, and separate proceedings would result in unwarranted expense, delay, or substantial injustice.<sup>2</sup>

### **III. CONCLUSION**

For the reasons described above, EPE requests that the Commission grant this Petition for Review of the municipal resolution attached as Exhibit A and consolidate the appeal with Docket No. 54614.

Dated: April 13, 2023

Respectfully submitted,

*/s/ Rosanna Al-Hakeem*

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**ATTORNEYS FOR EL PASO ELECTRIC COMPANY**

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<sup>2</sup> See 16 Tex. Admin. Code § 249.34

**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2023, a true and correct copy of the foregoing document was served on all parties of record in this proceeding.

*/s/Rosanna Al-Hakeem*

# EXHIBIT A

## VILLAGE OF VINTON

### RESOLUTION NO. 2023-3-21-5

#### RESOLUTION AND DENYING EL PASO ELECTRIC COMPANY'S APPLICATION FOR APPROVAL OF ITS TEXAS EV-READY PILOT PROGRAMS AND TARIFFS FILED WITH THE VILLAGE OF VINTON ON JANUARY 31, 2023

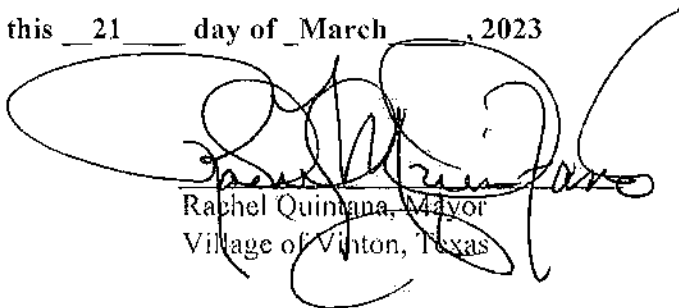
**WHEREAS**, on January 31, 2023, El Paso Electric Company ("EPE") filed with the Village of Vinton an *Application of El Paso Electric Company for Approval of its Texas Electric Vehicle-Ready Pilot Programs and Tariffs* ("Application");

**WHEREAS**, pursuant to applicable law, the Village of Vinton maintains original jurisdiction over EPE rates charged within the city limits of the Village of Vinton; and

**WHEREAS**, the Village of Vinton has duly noticed its consideration of EPE's Application and is acting within its authority under applicable law;

**NOW THEREFORE, BE IT RESOLVED** by City Council, that the Village of Vinton **DECLINES** to approve any and all rates requested by EPE included in its Application, and EPE's proposed rates should not be made effective.

ADOPTED by the Village of Vinton, Texas this 21 day of March, 2023

  
Rachel Quintana, Mayor  
Village of Vinton, Texas

ATTEST:

  
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Andrea N. Carrillo  
Village Administrator