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DOCKET NO. 54614

STATEMENT OF INTENT AND	§	PUBLIC UTILITY COMMISSION
APPLICATION OF EL PASO	§	
ELECTRIC COMPANY FOR	§	OF TEXAS
APPROVAL OF TEXAS ELECTRIC	§	
VEHICLE-READY PILOT PROGRAMS	§	
AND TARIFFS	§	

**COMMISSION STAFF'S RECOMMENDATION ON THE SUFFICIENCY OF THE
APPLICATION AND PROPOSED NOTICE AND PROPOSED PROCEDURAL
SCHEDULE**

On January 31, 2023, El Paso Electric Company (EPE) filed a statement of intent and application for approval of its proposed Texas electric vehicle (EV)-ready pilot programs and tariffs, which include the (1) EV Smart Rewards Pilot Program, (2) Whole House EV Pilot Incentive Credit Rider, (3) the PowerConnect Pilot Program, and (4) the Take Charge TX Pilot Program.

On February 3, 2023, the administrative law judge (ALJ) filed Order No. 1, establishing a deadline of March 2, 2023 for the (Staff) of the Public Utility Commission of Texas (Commission) to file comments and recommendations on the application, proposed notice, and an appropriate method for processing this proceeding. Therefore, this pleading is timely filed.

I. APPLICATION SUFFICIENCY

Staff has reviewed the application and recommends that it be found sufficient for further processing. Staff's recommendation is not a comment on the merits of the application. Additionally, in response to EPE's request that its proposed EV-Ready Pilot Program tariffs become effective 35 days after the filing of the application, Staff requests that the operation of the tariffs be suspended under 16 Texas Administrative Code (TAC) § 22.33(c) beyond the effective date of March 7, 2022, at least until it is determined whether or not this proceeding is qualified for informal disposition.

II. NOTICE SUFFICIENCY

Staff has reviewed EPE's statement that it provided the application to each municipal regulatory authority with original jurisdiction over EPE's retail rates, as well as EPE's proposal to provide notice by a one-time publication in newspapers of general circulation in its service area,

and recommends that EPE also provide notice to all parties in Docket No. 52195,¹ EPE's last base rate proceeding, as well as parties who participated on the EV-related issues in Docket No. 53719,² Entergy Texas, Inc.'s currently pending base rate proceeding, in which EPE intervened and filed a statement of position and reply brief. Staff recommends that, in addition to notice by a one-time publication, notice to the parties in Docket No. 52195 and the parties who participated on the EV-related issues in Docket No. 53719 would provide reasonable notice to affected persons under 16 TAC § 22.55. With this modification, Staff recommends that EPE's proposed notice be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's preceding recommendations, Staff proposes the following procedural schedule for further processing.

Event	Date
Deadline for EPE to file an affidavit attesting to the provision of notice, including notice that was provided to municipalities	March 17, 2023
Deadline to intervene and file comments or request a hearing	March 17, 2023 ³
Deadline for Staff to file a final recommendation or request a hearing	April 3, 2023
Deadline for EPE to request a hearing or respond to Intervenor comments and Staff's final recommendation; or if no hearing is requested, deadline for parties to file an agreed proposed order, including proposed findings of fact, conclusions of law, and ordering paragraphs	April 17, 2023

IV. CONCLUSION

For the reasons detailed above, Staff respectfully requests the entry of an order finding the application and proposed notice, with Staff's modification, sufficient, requiring EPE to also provide notice to all parties in Docket No. 52195 and to the parties who participated on the EV-related issues in Docket No. 53719, and adopting the procedural schedule proposed above.

¹ *Application of El Paso Electric Company to Change Rates*, Docket No. 52195, Order (Sep. 15, 2022).

² *Application of Entergy Texas, Inc. for Authority to Change Rates*, Docket No. 53719 (pending).

³ Under 16 TAC § 22.104(b), the deadline to file a motion to intervene is forty-five days from the date the application is filed with the Commission, unless otherwise provided by statute, Commission rule, or order of the presiding officer. Forty-five days from the application filing date (January 31, 2023) is March 17, 2023.

Date: March 2, 2023

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 March 2, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles