



## **Filing Receipt**

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**SOAH DOCKET NO. 473-24-04312  
PUC DOCKET NO. 54614**

<b>STATEMENT OF INTENT AND</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>APPLICATION OF EL PASO</b>	<b>§</b>	
<b>ELECTRIC COMPANY FOR</b>	<b>§</b>	<b>OF</b>
<b>APPROVAL OF TEXAS ELECTRIC</b>	<b>§</b>	
<b>VEHICLE-READY PILOT PROGRAMS</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>AND TARIFFS</b>	<b>§</b>	

**COMMISSION STAFF’S PROPOSED FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDERING PARAGRAPHS**

El Paso Electric Company proposes the following Findings of Fact, Conclusions of Law and Ordering Paragraphs for this proceeding.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. El Paso Electric Company is a Texas corporation registered with the Texas secretary of state under filing number 1073400.
2. El Paso Electric owns and operates for compensation in Texas facilities and equipment to produce, generate, transmit, distribute, and sell electricity within its certificated service area.
3. El Paso Electric is required under CCN number 30050 to provide service to the public and retail electric utility service within its certificated service area.

**Application**

4. On January 31, 2023, El Paso Electric filed an application for approval of its Texas Electric Vehicle (EV)-Ready Pilots Programs and Tariffs.
5. In Order No. 2 filed on March 3, 2023, the administrative law judge (ALJ) found the application sufficient.

6. On August 24, 2023, the Commission issued its Order Requesting Update and directed that, in light of Senate Bill 1002, El Paso Electric must file a statement by September 23, 2023, regarding whether it intends to amend its application; withdraw or refile its application; or proceed with its application as filed.
7. On September 22, 2023, El Paso Electric filed its application amendment.

**Notice**

8. On January 31, 2023, El Paso Electric provided the application to each municipal regulatory authority with original jurisdiction over El Paso Electric's retail rates.
9. On March 9, 2023, El Paso Electric provided the notice via email to all parties in Docket No. 52195, El Paso Electric's last base rate proceeding, as well as parties who participated on the EV-related issues in Docket No. 53719, Entergy Texas, Inc.'s then-pending base rate proceeding.
10. On March 17, 2023, El Paso Electric filed the affidavit Curtis Hutcheson, Manager of Regulatory Case Management for El Paso Electric's Regulatory Affairs Department, attesting to the provision of notice to municipalities and to parties to Docket Nos. 52195 and 53719.
11. El Paso Electric published notice of the application once each in the following newspapers having general circulation in El Paso Electric's service territory (El Paso, Hudspeth, and Culberson counties): the El Paso Times on March 7, 2023; the Hudspeth Herald on March 10, 2023; and the Van Horn Advocate on March 9, 2023.
12. Notice of the filing was published once, on March 8, 2023, in El Diario, a Spanish-language newspaper having general circulation in El Paso County.
13. On March 17, 2023, El Paso Electric filed affidavits attesting to the publication of notice of the application.
14. In Order No. 2 filed on March 3, 2023, the ALJ found the proposed notice of the application sufficient.

### **Intervenors**

15. In Order No. 3 filed on March 23, 2023, the ALJ granted the motions to intervene filed by City of El Paso, ChargePoint Inc., and the Office of Public Utility Counsel (OPUC).
16. In Order No. 5 filed on September 12, 2023, the ALJ granted the motion to withdraw of ChargePoint, Inc.
17. In SOAH Order No. 2 on November 21, 2023, the ALJ granted the motions to intervene filed by ev.energy Corp.

### **Municipal Proceedings and Appeals of Municipal Actions**

18. On January 31, 2023, El Paso Electric provided a copy of the application to each incorporated municipality in its Texas service area that retains original jurisdiction over its rates and services.
19. On April 13, 2023, El Paso Electric appealed to the Commission the actions of the Village of Vinton.
20. In Order No. 4 filed on June 8, 2023, the ALJ consolidated the appeals of the actions of the Village of Vinton with this proceeding.

### **Statements of Position and Testimony**

21. On January 31, 2023, El Paso Electric filed the direct testimonies of George Novela, El Paso Electric Director of Economic and Rate Research; Angelina Rodriguez, El Paso Electric Supervisor of Electrification; and Manuel Carrasco, El Paso Electric Manager of Rate Research.
22. On September 22, 2023, El Paso Electric filed the supplemental direct testimonies of Ms. Rodriguez and Mr. Carrasco.
23. On February 20, 2024, the following parties filed direct testimony: ev.energy and OPUC.
24. On February 20, 2024, the City of El Paso filed a Declaration of Rate Case Expenses in support of the city's expenses in this proceeding as of the date of the declaration.

25. On February 27, 2024, Commission Staff filed the direct testimony of Adrian Narvaez, an analyst in the Commission's rate regulation division.
26. On March 12, 2024, ev.energy filed cross-rebuttal testimony.
27. On March 12, 2024, El Paso Electric filed the rebuttal testimony of Mr. Novela, Ms. Rodriguez, and Mr. Carrasco.

#### **Referral to SOAH for Hearing**

28. On November 2, 2023, the Commission referred this docket to SOAH and filed a preliminary order specifying issues to be addressed in this proceeding.
29. In SOAH Order No. 4, filed on January 12, 2024, the SOAH ALJ provided notice of a hearing on the merits set for 9:00 a.m. on April 2, 2024 via Zoom videoconference.
30. The hearing on the merits convened and concluded on April 2, 2024.
31. At the hearing on the merits, the parties introduced their pre-filed testimony and other materials into evidence.
32. On April 18, 2024, parties filed initial briefs.
33. On May 2, 2024, parties filed reply briefs.

#### **Overview of Proposed Pilot Programs**

34. The four pilot project programs can be summarized as follows:
  - The EV Smart Rewards Pilot Program is a managed EV-charging program for residential customers.
  - The Whole House EV Pilot Incentive Credit Rider encourages overnight EV charging, midnight to 8:00 am, by providing residential EV owners with an incentive credit on their bill for overnight electricity use.
  - The PowerConnect Pilot Program is a credit rebate program for non-residential customers that supports utility-side-of-the-meter infrastructure related to EV charging.

- The Take Charge TX Pilot Program is a charging-as-a-service-agreement-based program for non-residential customers that supports, among other things, customer side-of-the-meter infrastructure for EV charging.

### **Rate Case Expenses**

35. The expenses included in the City of El Paso's Declaration of Rate Case Expenses are reasonable.
36. El Paso Electric may seek recovery of its own rate case expenses for this proceeding and any subsequent expenses of the City of El Paso in a future rate proceeding.

## **II. Conclusions of Law**

1. El Paso Electric is a public utility as that term is defined in PURA § 11.004(1) and an electric utility as that term is defined in PURA § 31.002(6).
2. The Commission has authority over this matter under PURA §§ 14.001, 32.001, 36.101 through 36.111 and 42.0103.
3. SOAH exercised jurisdiction over the proceeding under PURA § 14.053 and Texas Government Code §§ 2003.021 and 2003.049.
4. The application is sufficient under 16 Texas Administrative Code (TAC) § 22.75(d).
5. El Paso Electric provided adequate notice of the application in accordance with 16 TAC § 22.55.
6. The hearing on the merits was set, and notice of the hearing was provided, in compliance with PURA and Texas Government Code §§ 2001.051 and 2001.052.
7. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,<sup>1</sup> and Commission rules.

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<sup>1</sup> Administrative Procedure Act, Tex. Gov't Code §§ 2001.001-.902.

### **III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission denies the application, including each of the four proposed pilot programs, to the extent provided in this Order.
2. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Dated: May 2, 2024

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 May 2, 2024, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Anthony Kanalas

Anthony Kanalas