



## **Filing Receipt**

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**SOAH DOCKET NO. 473-24-17664  
PUC DOCKET NO. 56572**

<b>APPLICATION OF EL PASO</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>ELECTRIC COMPANY TO ADJUST</b>	<b>§</b>	<b>OF</b>
<b>ITS ENERGY EFFICIENCY COST</b>	<b>§</b>	
<b>RECOVERY FACTOR</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE  
AND APPLICATION**

On May 1, 2024, El Paso Electric Company (EPE) filed an application to adjust its energy-efficiency cost recovery factor (EECRF) for program year 2025 under Public Utility Regulatory Act (PURA)<sup>1</sup> § 39.905.

On May 6, 2024, the administrative law judge (ALJ) for the State Office of Administrative Hearings (SOAH) filed SOAH Order No. 1, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to submit comments on notice and the application on or before May 17, 2024. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON SUFFICIENCY OF THE APPLICATION**

Staff has reviewed EPE’s application and finds that the application provides the information required under 16 TAC § 25.182(d). Specifically, pursuant to 16 TAC § 25.182(d)(8), a utility in an area in which customer choice is offered must file the application to adjust its EECRF by no later than June 1 of each year. Additionally, under 16 TAC § 25.182(d)(10), an EECRF application must include testimony and schedules in Excel format with intact formulas for each retail rate class for the prior program year and the proposed program year. The application, including testimonies and schedules, must address thirteen metrics identified in 16 TAC § 25.182(d)(10). Furthermore, under 16 TAC § 25.182(d)(11), the application must address ten factors, as applicable, to support the recovery of energy efficiency costs.

Staff recommends that EPE’s application be deemed sufficient. EPE filed its EECRF application on May 1, 2024. The application includes testimony of two subject-matter experts to support its application. In addition, EPE provided Excel spreadsheets with formula separated by retail rate class for 2022 and 2024. Staff’s review indicates that EPE provided, addressed, or at least attempted to address most of the metrics and factors listed in 16 TAC § 25.182(d)(10)–(11).

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.017.

Staff reserves the right to later assert certain thresholds required by the aforementioned provisions and to require EPE to supplement the application. Staff may also require EPE to supplement its application following discovery.

## **II. SUFFICIENCY OF NOTICE**

Staff reviewed the proof of notice filed by EPE and recommends that the notice be found to satisfy the requirements of 16 TAC § 25.182(d)(13)–(14). On May 10, 2024, EPE filed an affidavit attesting that EPE provided direct notice to: (1) all parties of record in EPE’s most recently completed EECRF docket (PUC Docket No. 54950<sup>2</sup>); (2) all parties of record in EPE’s most recently completed base rate case (PUC Docket No. 52195<sup>3</sup>); and (3) the state agency that administers the federal weatherization program, the Texas Department of Housing and Community Affairs (DHCA). Staff notes that notice to retail electric providers (REP) as required by 16 TAC § 25.182(d)(13)(B) is not applicable for this application, as there are no REPs providing service in EPE’s service area. Under 16 TAC § 25.182(d)(13), notice is “reasonable if the utility provides in writing a general description of the application and the docket number assigned to the application within seven days” to the parties listed above. In its May 10, 2024 affidavit, EPE stated that it had provided notice to all parties on record in EPE’s most recently completed EECRF docket, all parties on record in EPE’s most recently completed base rate case, and DHCA on the day the application was filed.

Under 16 TAC § 25.182(d)(14), an applicant is required to “file an affidavit attesting to the completion of notice within 14 days after the application was filed.” EPE filed an affidavit attesting to the completion of notice on May 10, 2024, nine days after the application was filed on May 1, 2024. Therefore, Staff recommends that EPE satisfies the requirements under 16 TAC § 25.182(d)(13)–(14).

## **III. CONCLUSION**

Staff respectfully requests that an order be issued finding EPE’s application sufficient and finding that EPE satisfied the notice requirements under 16 TAC § 25.182(d)(13)–(14).

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<sup>2</sup> *Application of El Paso Electric Company to Revise its Energy Efficiency Cost Recovery Factor and Establish Revised Cost Caps*, Docket No. 54950 (May 1, 2023).

<sup>3</sup> *Application of El Paso Electric Company to Change Rates*, Docket No. 52195 (Jun. 1, 2021).

Dated: May 16, 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 will be provided to all parties of record via electronic mail on May 16, 2024, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Bradley Reynolds  
Bradley Reynolds