



## **Filing Receipt**

**Filing Date - 2024-11-05 08:38:07 AM**

**Control Number - 56851**

**Item Number - 15**

**DOCKET NO. 56851**

<b>APPLICATION OF EL PASO</b>	<b>§</b>	
<b>ELECTRIC COMPANY FOR WAIVER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>OF CERTAIN RATE FILING</b>	<b>§</b>	
<b>PACKAGE SCHEDULES IN ITS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>NEXT RATE APPLICATION</b>	<b>§</b>	

**MOTION REQUESTING ADMINISTRATIVE LAW JUDGE WITHDRAW  
PROPOSED ORDER AND ISSUE NOTICE OF APPROVAL**

El Paso Electric Company (EPE) files this motion in response to the Proposed Order filed on October 31, 2024. In the interest of administrative efficiency and EPE's pressing need for expeditious resolution of this matter so as to avoid a delay in the filing of its base-rate proceeding, EPE respectfully requests the Administrative Law Judge (ALJ) withdraw the Proposed Order and issue a notice of approval regarding EPE's application in this docket.

Under the Public Utility Commission of Texas' (Commission's) procedural rules, specifically 16 Tex. Admin. Code §22.35(b)(1), "[u]pon delegation by the commission, certain uncontested applications may be approved by the presiding officer through a notice of approval without consideration by the commission at open meeting. The commission shall maintain a list of the types of applications eligible for disposition by notice of approval." The Commission granted the Office of Policy Development (OPD) authority "to issue notice of approval in proceedings for the waiver of grant waivers of rate filing package schedule S for good cause."<sup>1</sup> The requested relief has been granted in numerous other proceedings with a notice of approval rather than a Commission order.<sup>2</sup> In fact, in the most recent case, Docket No. 53286, the application was approved by a notice of approval after the ALJ had first issued a proposed order and then withdrew it in response to the applicant's request.<sup>3</sup> EPE requests that same relief here.

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<sup>1</sup> *Delegation of Authority to Docket Management*, Project No. 43518, Delegation Order (Apr. 29, 2022).

<sup>2</sup> *Application of El Paso Electric Company for Waiver of Certain Rate Filing Package Schedules in its 2015 Rate Application*, Docket No. 44571, Notice of Approval, June 12, 2015; *Application of Southwestern Electric Power Company For Waiver of Rate Filing Package Schedule S*, Docket No. 45886, Notice of Approval, July 11, 2016; *Application Of El Paso Electric Company For Waiver of Rate Filing Package Schedule S in its 2017 Rate Application*, Docket No. 46373, Notice of Approval, Nov. 28, 2016; *Application of Entergy Texas, Inc. for Waiver of Rate Filing Package Schedule S*, Docket No. 47414, Notice of Approval, Oct. 10, 2017; *Application of El Paso Electric Company for Waiver of Certain Rate Filing Package Schedules in its 2021 Rate Application*, Docket No. 51780, Notice of Approval, May 17, 2021.

<sup>3</sup> *Application of Southwestern Public Service Company for Waiver of Rate Filing Package Schedule S*, Docket No. 53286, Notice of Approval (Jun. 22, 2022).

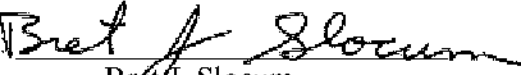
In its application in this matter, EPE stated its intention to file a base rate proceeding in the fourth quarter of this year. EPE is currently diligently working toward preparing its base-rate application, and the present time is well into the fourth quarter. Therefore, EPE needs certainty as soon as possible regarding whether it will need to comply with the requirement to prepare Schedule S. Preparation of the independent review for a rate proceeding is expensive, resulting in substantial rate case expense, and does take some time to complete. There are no disputed issues regarding EPE's application for a waiver, and no hearing has been requested in this docket. Commission Staff, the only other party in this docket, joined EPE in an agreed notice of approval, consistent with the authority granted to OPD. This case does not present any novel questions or other issues that would require the Commission's attention or its valuable time.

Therefore, EPE moves that the ALJ withdraw the Proposed Order filed in this docket and that OPD issue a notice of approval of EPE's application, consistent with the proposed notice of approval filed by EPE and Commission Staff on October 25, 2024, granting EPE a waiver of the requirement to conduct a Schedule S review in EPE's next base rate proceeding. Granting EPE's request will expedite resolution of this matter and reduce rate case expenses while not prejudicing the ability of parties and the Commission to evaluate EPE's rate request. Commission Staff has authorized EPE to represent that the Commission Staff does not oppose this motion. EPE further requests any further relief to which it may be entitled.

Respectfully submitted,

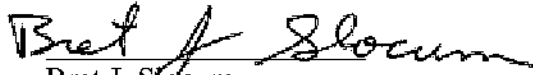
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By   
Bret J. Slocum

**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 November 5, 2024, in accordance with the Order Suspending Rules, issued in Project No. 50664.

  
Bret J. Slocum