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**SOAH DOCKET NO. 473-25-05084
PUC DOCKET NO. 57149**

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY FOR	§	OF
AUTHORITY TO RECONCILE FUEL	§	
COSTS	§	ADMINISTRATIVE HEARINGS

**OFFICE OF PUBLIC UTILITY COUNSEL’S
SECOND REQUEST FOR INFORMATION TO
EL PASO ELECTRIC COMPANY**

Pursuant to 16 Texas Administrative Code (“TAC”) § 22.144, the Office of Public Utility Counsel (“OPUC”) submits this Second Request for Information to El Paso Electric Company (“EPE”). OPUC requests that EPE provide answers to the request for information under oath as required by 16 TAC § 22.144(c)(2)(F) within the timeframe specified in the procedural schedule in this proceeding. OPUC further requests that EPE provide an answer to the questions and sub-questions in the order listed below with sufficient detailed information to provide a complete and accurate answer to each question and sub-question.

Definitions

1. “EPE,” the “Company,” “Applicant,” “You,” and “Your” refer to El Paso Electric Company and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
2. “Document” and “documents” include any written, recorded, filmed, or graphic matter, whether produced, reproduced, or on paper, cards, tape, film, electronic facsimile, computer storage device, or any other media, including, but not limited to, electronic mail (e-mail), memoranda, notes, analyses, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, contracts, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, observations, commercial practice manuals, reports, summaries of interviews, reports of consultants, appraisals,

forecasts, tape recordings, or any form of recording that is capable of being transcribed into written form.

Instructions

1. The Definitions, Instructions, and Claim of Privilege sections set forth in this request for information apply to these questions.
2. In providing an answer to each question, please furnish all of the information that is in your possession, custody, or control, as defined by Texas Rules of Civil Procedure (Tex. R. Civ. Proc.) 192.7(b), including information in the possession, custody, or control of your affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
3. Please answer each question based upon your knowledge, information, or belief, and state whether each answer is based upon your knowledge, information, or belief.
4. If you have possession, custody, or control, as defined by Tex. R. Civ. Proc. 192.7(b), of an original requested document, please produce the original requested document or a complete copy of the original requested document and all copies that are different in any way from the original requested document, whether by interlineation, receipt stamp, or notation.
5. If you do not have possession, custody, or control of an original requested document, please produce copies of the document, however made, in your possession, custody, or control. If any requested document is not in your possession, custody, or control, please explain why the document is not in your possession, custody, or control and provide the current location and custodian of the requested document or any copy, summary, or other form of the requested document thereof.
6. If there is any confusion about a question, please contact the undersigned counsel for clarification.
7. In providing your response to a question, please start each response on a separate page and type, at the top of the page, the question that is being answered by the response.

8. As part of the response to each question, please state, at the bottom of the answer to the question, the name and job position of each person(s) who participated in any way, other than by providing clerical assistance, in the preparation of the answer to the question. If the question has sub-parts, please identify each person(s) by name and job position that participated in any way, other than by providing clerical assistance, in the preparation of the answer for each sub-part of the question.
9. Please state the name of the witness in this docket who will sponsor the answer to the question and/or sub-part of the question and who will swear to the truthfulness of the answer to the question and/or sub-part of the question.
10. Please provide individual responses to questions as each response becomes available, rather than waiting to provide all of the responses to the questions at the same time.
11. These questions are continuing in nature. If there is a change in circumstances or facts or if you receive or generate additional information that changes your answer to a question between the time of your original response and the time of the hearing, then you should submit, under oath, a supplemental response to your earlier answer to the question.
12. If you consider any question to be unduly burdensome, or if the response would require the production of a voluminous amount of material, please contact the undersigned counsel, as soon as possible, to discuss the situation and try to resolve the issue. Furthermore, if you object to any question on the grounds that the question seeks confidential information, or on any other grounds, please contact the undersigned counsel, as soon as possible, to discuss the situation and try to resolve the issue.
13. If the response to any question is voluminous, please make available all of the voluminous material at a designated location in Austin. Please provide a detailed index for the voluminous material with your response to the question to enable efficient review of the material. The index should include information sufficient to locate each individual document by page, file, and box number, date of each document, title of each document, description of each document if no document title exists, name of the preparer of each document, and length of each document.

14. If the requested information is included in previously furnished exhibits, workpapers, or responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references to the previously furnished information.
15. If a question requests the production of copyrighted material, you may provide a list of such material, including the title, publisher, author, edition, and page references relied on or otherwise relevant to the question.

Claim of Privilege

If any document is withheld under any claim of privilege, please provide a list that identifies each document for which a privilege is being claimed, including the date, sender, recipient(s) of the privileged document, recipient(s) of copies of the privileged document, subject matter of the privileged document, and the basis upon which a privilege is being claimed by the Company.

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- 2-1. Please refer to EPE's Response to OPUC 1-2. If EPE has not filed Annual Renewable Energy Portfolio Reports for 2022 and 2023, please provide a detailed explanation of how EPE demonstrated compliance with the New Mexico RPS requirements in calendar years 2022 and 2023.
- 2-2. Please refer to EPE's Response to OPUC 1-4(e). Did EPE purchase any renewable energy certificates ("RECs") from other sources during 2022 through 2023 that could have been supplied by Texas jurisdictional resources? If so, please provide a detailed explanation for why EPE did not use RECs from Texas jurisdiction and indicate whether any RECs from Texas jurisdiction went unsold during 2022 and 2023.
- 2-3. Please refer to EPE's Responses to OPUC 1-4(f) and (g). Please provide the price per REC by resource for the period of February through March 2024 and any supporting calculations.
- 2-4. Please refer to EPE's Response to OPUC 1-4(g). For each respective resource allocated to EPE's Texas retail jurisdiction or specifically assigned to EPE's Texas retail jurisdiction that supplied RECs to the New Mexico retail jurisdiction, please provide the contractual agreement on which the price per REC is based and any supporting calculations.
- 2-5. Please refer to EPE's Responses to OPUC 1-5 and OPUC 1-13 at Attachment 1. Please identify and provide a detailed description of each of the Company-owned solar or wind facilities that are behind the meter projects, but not listed in EPE's Response to OPUC 1-13 at Attachment 1.
- 2-6. Please refer to EPE's Responses to OPUC 1-5 and OPUC 1-13 at Attachment 1. Are the costs of the company-owned solar or wind facilities that are behind the meter projects, but not listed in EPE's Response to OPUC 1-13 at Attachment 1, included in EPE's base rates? Please provide a detailed explanation for each facility.
- 2-7. Please refer to EPE's Responses to OPUC 1-5 and OPUC 1-13 at Attachment 1. Please provide a detailed explanation for how the EPE customers, other than the host customers, benefit from the facilities that are behind the meter projects, but not listed in EPE's Response to OPUC 1-13 at Attachment 1.
- 2-8. Please refer to EPE's Responses to OPUC 1-5 and OPUC 1-13 at Attachment 1. For each month of the reconciliation period, please provide the generated kilowatt-hours ("kWh") for each of the facilities that are behind the meter projects, but not listed in EPE's Response to OPUC 1-13 at Attachment 1, included in EPE's base rates.
- 2-9. Please refer to EPE's Responses to OPUC 1-5 and OPUC 1-13 at Attachment 1. For each of the facilities that are behind the meter projects, but not listed in EPE's Response to OPUC 1-13 at Attachment 1, please state whether the outputs of the facilities are netted against the total billed demand and energy of the host customers. In addition, for any facility of which the output is netted against the total demand and energy consumption of the host customer, please explain if EPE is compensated through base rate or energy charges for the generation of the facility.

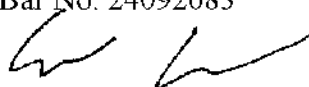
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- 2-10.** Please refer to EPE's Responses to OPUC 1-10 and OPUC 1-11. Please provide any analyses developed by or for EPE that shows the impact of directly assigning 100% of the Newman Unit 6 generation and fuel costs to EPE's Texas retail jurisdiction on the allocation of other, lower cost generation resources to EPE's Texas retail jurisdictional customers.
- 2-11.** Please refer to EPE's Response to OPUC 1-11. Is it EPE's proposal to allocate any of the fuel cost related to EPE's Federal Energy Regulatory Commission ("FERC") jurisdictional loads? Please provide any orders issued by FERC that address the allocation of costs related to Newman Unit 6.
- 2-12.** Please refer to EPE's Responses to OPUC 1-13 and its Attachment 1. Please provide the calculations used to create OPUC 1-13 Attachment 1 in functioning, Excel format.
- 2-13.** Are any third-party (i.e., non-EPE) entities located in any EPE-owned or EPE-leased facilities? If so, please identify the location, the name of the third-party entities, and a general description of the third-party.
- 2-14.** Are any third-party entities supplied energy through an EPE company-use meter? If so, please identify how the energy consumption for each third-party entity is separately metered and how EPE's company-use kWh consumption is adjusted.

Date: December 13, 2024

Respectfully submitted,

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**ATTORNEYS FOR THE
OFFICE OF PUBLIC UTILITY COUNSEL**

CERTIFICATE OF SERVICE

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I hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 13th day of December 2024 by facsimile, electronic mail, and/or first class, U.S. Mail.



Connor Drysdale