



## **Filing Receipt**

**Filing Date - 2025-02-06 02:05:11 PM**

**Control Number - 57149**

**Item Number - 72**

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

<b>APPLICATION OF EL PASO ELECTRIC COMPANY FOR AUTHORITY TO RECONCILE FUEL COSTS</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
--	----------------------------	---

**OFFICE OF PUBLIC UTILITY COUNSEL’S  
FOURTH 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 Fourth 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 or under 16 TAC § 22.144(c)(1) whichever is shorter. 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.

**SOAH Docket No. 473-25-05084**  
**PUC Docket No. 57149**  
**OPUC's Fourth Request for Information to**  
**El Paso Electric Company**

- 4-1.** Please refer to EPE's Response to OPUC 3-5. Please identify whether Best Real Estate Management ("BREM") or EPE originally developed the allocation of energy between EPE and tenants for the Stanton Tower?
- 4-2.** Please refer to EPE's Response to OPUC 3-5. Please provide a detailed explanation and all supporting analysis that supports EPE's statement, "[T]his historical allocation of 25/75 is a reasonable means of allocating energy."
- 4-3.** Please refer to EPE's Response to OPUC 3-5. Please provide any analysis that supports EPE's position that the historical allocation of 25% of the energy usage to tenants is appropriate for each month of the Reconciliation Period.
- 4-4.** Please refer to EPE's Response to OPUC 3-5. Please provide EPE's audit workpapers for each month of the Reconciliation Period showing EPE's verification of the energy allocation to EPE for the Stanton Tower.
- 4-5.** Did EPE contract with BREM to be property manager for the Stanton Tower? If so, does EPE have the right to terminate that contract in the future?
- 4-6.** Please refer to EPE's Response to OPUC 3-5. Please identify the portion of the total demand and energy usage for the Stanton Tower that was billed under Rate Schedule 25 for each month of the Reconciliation Period. Please provide this information in fully-functioning Excel format.
- 4-7.** Please refer to EPE's Response to OPUC 3-5. Please provide the monthly charges and billing determinants, including billing demands and billing kilowatt-hours ("kWh"), for the Stanton Tower that were actually billed under Rate Schedule 25 for each month of the Reconciliation Period. Please provide this information in fully-functioning Excel format.
- 4-8.** Please refer to EPE's Response to OPUC 3-5. Please provide the monthly billing determinants, including billing demands and billing kWh, for the Stanton Tower that were allocated to EPE and not billed under Rate Schedule 25 for each month of the Reconciliation Period. Please provide this information in fully-functioning Excel format.
- 4-9.** Please refer to EPE's Response to OPUC 3-14. Please provide a detailed description of the basis for the calculation of the demand and energy charges for New Mexico Rate Schedule NO. 29 – Noticed Interruptible Service for Large Power, including a detailed

**SOAH Docket No. 473-25-05084**  
**PUC Docket No. 57149**  
**OPUC's Fourth Request for Information to**  
**El Paso Electric Company**

explanation for the calculation of the demand and energy charges and an explanation for any reasons these demand and energy charges differ from those in the firm rate schedule, New Mexico Rate Schedule 09 – Large Power Service Rate.

- 4-10.** Please refer to EPE's Response to OPUC 3-14. Please provide a detailed description of the basis for the calculation of the demand and energy charges for Texas Rate Schedule No. 38 – Interruptible Service for Large Power, including a detailed explanation for the calculation of the demand and energy charges and an explanation for any reasons these demand and energy charges differ from those in the firm rate schedule, Texas Rate Schedule 25, and the other applicable firm Texas Rate Schedule Nos. 15, 26, 30, and 31.
- 4-11.** Please refer to EPE's Response to OPUC 3-14. What percentage of production capacity component cost per billing kW were New Mexico Rate Schedule 09 and Texas Rate Schedule 25 designed to recover?
- 4-12.** Please refer to EPE's Response to OPUC 3-14. What percentage of transmission capacity component cost per billing kW and distribution capacity component cost, separately, were New Mexico Rate Schedule 09 and Texas Rate Schedule 25 designed to recover?
- 4-13.** Please refer to EPE's Response to OPUC 3-14. Were New Mexico Rate Schedule 09 and Texas Rate Schedule 25 designed to provide discounts associated with transmission capacity component costs or distribution capacity component costs? If so, please identify the percentage or amount per kW by component and by rate.

Date: February 6, 2025

Respectfully submitted,

Benjamin Barkley  
Chief Executive and Public Counsel  
State Bar No. 24092083



Connor Drysdale  
Assistant Public Counsel  
State Bar No. 24143982  
Justin Swearingen  
Senior Assistant Public Counsel  
State Bar No. 24096794

Chris Ekoh  
Deputy Public Counsel  
State Bar No. 06507015  
1701 N. Congress Avenue, Suite 9-180  
P.O. Box 12397  
Austin, Texas 78711-2397  
512-936-7500 (Telephone)  
512-936-7525 (Facsimile)  
connor.drysdale@opuc.texas.gov (Service)  
justin.swearingen@opuc.texas.gov (Service)  
chris.ekoh@opuc.texas.gov (Service)  
opuc\_eservice@opuc.texas.gov (Service)


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

**CERTIFICATE OF SERVICE**

SOAH DOCKET NO. 473-25-05084

PUC DOCKET NO. 57149

I hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 6th day of February 2025 by facsimile, electronic mail, and/or first class, U.S. Mail.



Connor Drysdale