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

**APPLICATION OF EL PASO
ELECTRIC COMPANY FOR
AUTHORITY TO RECONCILE FUEL
COSTS**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

**TEXAS INDUSTRIAL ENERGY CONSUMERS THIRD REQUEST FOR
INFORMATION TO EL PASO ELECTRIC COMPANY**

Pursuant to 16 T.A.C. § 22.144, Texas Industrial Energy Consumers (“TIEC”) requests that El Paso Electric Company (“EPE”) provide all of the information requested in Exhibit “A” within the time frame specified under the procedural schedule set in this proceeding.

Pursuant to 16 T.A.C. § 22.144(c)(2), TIEC further requests that answers to the requests for information be made under oath. Each answer should identify the person responsible for preparing that answer (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can vouch for its accuracy. In producing documents pursuant to this request for information, please indicate the specific request(s) to which the document is being produced. These requests are continuing in nature, and should there be, for any reason, a change in circumstances which would modify or change an answer supplied by you, such changed answer should be submitted immediately as a supplement to your original answer pursuant to 16 T.A.C. § 22.144(i). Please answer each request and sub-request in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the request. TIEC further requests that each item of information be made available as it is completed, rather than upon compilation of all information requested.

All information responsive to the requests on the attached Exhibit “A” should be sent to the following persons via overnight courier, on a piecemeal basis as individual items become available:

Mr. Benjamin B. Hallmark
Mr. James Z. Zhu
O'Melveny & Myers LLP
500 West 2nd. St., Suite 1900
Austin, TX 78701
(737) 261-8600
bhallmark@omm.com
jzhu@omm.com
OMMeservice@omm.com

DEFINITIONS AND INSTRUCTIONS

A. "EPE," "the Company" or "you" refers 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. This definition is not intended to extend an RFI to encompass attorney work product.

B. "Applicant" refers to El Paso Electric Company, and their affiliates, subsidiaries, and any person acting or purporting to act on their behalf, as it relates to this proceeding and related appeals, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons. This definition is not intended to extend an RFI to encompass attorney work product.

C. The terms "document" or "documents" are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced, reproduced or stored by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mail, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. The definition includes electronic information that has been deleted. "Document" or "documents" shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.

D. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, TIEC specifically requests that any electronic or magnetic information (which is included in the definition of "document") that is responsive to a request herein be produced on CD-ROM in a format that is compatible with Adobe Acrobat, Microsoft, Macintosh and/or Word Perfect and be produced with your response to these requests. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the

email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-Rom.

E. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

F. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”

G. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”

H. The term “concerning,” or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

I. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

J. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

K. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

L. If any document is withheld under any claims of privilege, please furnish a list identifying each document for which a privilege is claimed together with the following information: date, sender, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed. This instruction is not intended to impose an obligation greater than contemplated by the Commission’s rules and any applicable orders in this case.

M. Pursuant to 16 T.A.C. § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

N. If the information requested is included in previously furnished exhibits, workpapers, and 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.

O. The term “emails” includes the entire email string and all attachments found anywhere within the email string. Please refer to paragraph “D.” regarding specific instructions for producing such items.

P. “Communications” refers to correspondence of any kind, including emails.

Q. “Identify” and “describe” shall have the meaning set forth below according to the context in which the term is used:

- i. When used in reference to an individual, shall mean to state his or her full name, business affiliation, job title, and business address and telephone number;
- ii. When used in reference to a corporation, shall mean to state its full name, its state of incorporation, its address and its principal place of business;
- iii. When used in reference to any entity other than an individual or corporation, shall mean to state its official name, its organizational form and its address;
- iv. When used in reference to a document, shall mean to state the type of document, date, author, addressee, title, its present location, the name and address of its custodian, and the substance of the contents thereof. In lieu of identifying any document, copies thereof may be furnished; and
- v. When used in reference to a communication, shall mean to state the form of the communication (e.g., telephone conversation, letter, telegram, teletype, telecopy, written memorandum, face to face conversation, or any other form), the date of the communication or the dates on which the communication was sent and/or received if not the same, the parties to the communication, the party who initiated it, the substance of the communication, and the present location and the name and address of the custodian if the communication was non-verbal and/or of any written memorialization of the communication.

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Benjamin B. Hallmark

Benjamin B. Hallmark

State Bar No. 24069865

James Z. Zhu

State Bar No. 24102683

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OMMeservice@omm.com

**ATTORNEYS FOR TEXAS INDUSTRIAL
ENERGY CONSUMERS**

CERTIFICATE OF SERVICE

I, James Z. Zhu, Attorney for TIEC, hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 13th day of February, 2025 by electronic mail, facsimile, and/or First Class, U.S. Mail, Postage Prepaid.

/s/ James Z. Zhu

James Z. Zhu

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- TIEC 3-1** Please state EPE's hourly avoided costs of energy during the reconciliation period in live EXCEL format.
- TIEC 3-2** Referring to Schedule FR-16:
- a. Please provide the reconcilable fuel costs by month for each unit.
 - b. Please provide the energy generated by month for each unit.
 - c. Please reconcile the kWh @ meter shown on pages 2–4 with the monthly kWh shown in Schedule FR-21.
- TIEC 3-3** Referring to Exhibit JIR-7:
- a. Please provide in live EXCEL format all workpapers supporting the imputed capacity costs associated with the solar portion of the Buena Vista PPA shown on page 2, column (d).
 - b. Please explain why capacity costs for the battery portion of the Buena Vista PPA are increased in October 2023 relative to all other months as shown on page 3, column (d).
- TIEC 3-4** Referring to Exhibit JIR-9:
- a. Please provide in live EXCEL format all workpapers supporting the monthly over- and under-recoveries shown on page 1, column (b).
 - b. Please reconcile the kWh @ meter shown on pages 2–4 with the monthly kWh shown in Schedule FR-21.
- TIEC 3-5** Referring to the Direct Testimony of Victor Martinez at page 31, lines 18–24:
- a. Please explain how the costs for the Buena Vista PPA are allocated among EPE's jurisdictions and customer classes.

- b. Please state how much accredited capacity is provided by each of the solar and battery components of the Buena Vista PPA.

TIEC 3-6 Referring to the Direct Testimony of Victor Martinez at page 33, lines 20–25:

- a. Please provide the workpapers supporting the calculation of the \$10 million in additional costs that EPE’s customers would have paid for energy from the Palo Verde hub in lieu of energy from the Buena Vista PPA.
- b. Please provide all workpapers supporting the calculation of the average Palo Verde day-ahead index price of \$63.89 per MWh for the period from July 2023 to March 2024.
- c. Please provide the hourly Palo Verde day-ahead index prices for the Reconciliation Period in live EXCEL format.

TIEC 3-7 Referring to the Direct Testimony of Victor Martinez at page 34, lines 5–21:

- a. Please confirm that 100% of the energy purchased from the Buena Vista PPA was allocated to EPE’s New Mexico retail customers.
- b. Please explain how EPE determines whether it is necessary or appropriate to reallocate the energy from the Buena Vista PPA between jurisdictions on a month-to-month basis.
- c. Please explain how reallocating the energy produced by the Buena Vista PPA between jurisdictions is consistent with the Texas fuel rule.
- d. Please provide in live EXCEL format all workpapers supporting the \$196,000 in savings to Texas retail customers associated with the reallocation of Buena Vista PPA energy and costs from Texas to New Mexico customers.
- e. Please provide all workpapers supporting the calculation of the average Palo Verde day-ahead index price of \$63.89 per MWh for the period from July 2023 to March 2024.
- f. Please provide the hourly Palo Verde day-ahead index prices for the Reconciliation Period.