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SOAH Docket No. 473-25-14638

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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF EL PASO ELECTRIC COMPANY TO
IMPLEMENT AN INTERIM FUEL REFUND**

**SOAH ORDER NO. 1
FILING DESCRIPTION; JURISDICTION; SETTING DEADLINES;
SETTING PREHEARING CONFERENCE; ADOPTING PROTECTIVE
ORDER**

I. FILING DESCRIPTION

On March 14, 2025, El Paso Electric Company (EPE) filed an application with the Public Utility Commission of Texas (Commission) to implement an interim refund for over-collected fuel costs. EPE seeks authority to implement a total refund of \$29,995,138, which includes \$509,582 of interest, for its Texas retail customers over the three billing months of April, May, and June 2025.

The bill impact on a typical residential customer based on the historical average consumption for the months of April, May, and June is shown in EPE's Exhibit RFG-5, attached to the application. The monthly total bill credit, based on a 412-kilowatt hour (kWh) average consumption in the non-summer month of April 2024 and an average consumption of 753-kWh for the months of May and June 2024, is \$8.24 in April and \$15.05 in May and June (or a 13.89% and 13.98% reduction in the total bill for non-summer and summer months, respectively). EPE's requested total fuel refund assumes that the Commission will authorize the fuel refund in time for implementation beginning with its April 2025 billing cycle. Although the Commission's rule states that unless otherwise ordered refunds shall be made through a one-time bill credit,¹ EPE requests that the refund be issued over three months to avoid significant fluctuation and provide more stable bills.

II. JURISDICTION

The Commission has jurisdiction and authority over this proceeding under Public Utility Regulatory Act (PURA)² §§ 14.001, 32.001, 36.001, and 36.203. The Commission referred this case to the State Office of Administrative Hearings (SOAH) on March 17, 2025, requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. The Order of Referral included a Preliminary Order identifying the issue to be addressed in this proceeding. SOAH has jurisdiction over matters relating to

¹ 16 Tex. Admin. Code § 25.236(c)(5).

² Tex. Util. Code §§ 11.001-66.016.

the conduct of the hearing and issuance of a PFD in this case under Texas Government Code § 2003.049 and PURA § 14.053.

III. DEADLINES

EPE requests that the ALJ issue an order approving its proposed fuel refund on an interim basis no later than 12 days after its application was filed if no objection to interim approval is filed within 10 days after the date the application was filed. **The deadline to file an objection concerning EPE's application for interim approval is March 24, 2025.** Accordingly, the ALJ expects to issue an order approving the proposed fuel refund on an interim basis no later than March 26, 2025, unless an objection is filed by March 24. Additionally, EPE requests that, if no hearing is requested within 30 days after the application was filed, the ALJ, after EPE submits proof of notice, issue an order approving the fuel refund without hearing or action by the Commission.

No later than March 24, 2025, the staff (Staff) of the Commission shall, and any other party may, file its recommendation regarding sufficiency of EPE's application for purposes of further review and sufficiency of EPE's proposed notice.

IV. SETTING PREHEARING CONFERENCE

A hearing will be held at **10:00 a.m. (CT) on March 31, 2025**, remotely via Zoom videoconference. 1 Tex. Admin. Code § 155.405(c). Unless a court reporter is retained to transcribe the prehearing conference, the audio portion of the hearing will be recorded, and it will be the official record of the proceeding. The Zoom log-in information for the prehearing conference will be provided in a subsequent order.

If the parties determine a prehearing conference is unnecessary, they may file a joint, agreed motion requesting to cancel the prehearing conference no later than March 28, 2025.

V. PROTECTIVE ORDER

In its application, EPE requests approval of the Commission's standard protective order. EPE's proposed protective Order is **APPROVED** for use in this case. If any party has an objection to the protective order, it **SHALL** file its objection no later than March 24, 2025.

Signed March 17, 2025

ALJ Signature(s):



Meaghan Bailey,

Presiding Administrative Law Judge