

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION OF EL )  
PASO ELECTRIC COMPANY FOR CONTINUED )  
USE OF ITS FUEL AND PURCHASED POWER ) CASE NO. 23-00046-UT  
COST ADJUSTMENT CLAUSE )**

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**NOTICE TO EPE CUSTOMERS OF PROCEEDING AND HEARING**

NOTICE is hereby given of the following matters pertaining to the above captioned case pending before the New Mexico Public Regulation Commission ("Commission" or "NMPRC"):

On February 13, 2023, El Paso Electric Company ("EPE" or "Company") filed its request for approval of its Application for Continued Use of its Fuel and Purchased Power Cost Adjustment Clause ("FPPCAC") pursuant NMPRC Rule 17.9.550.17 of the New Mexico Administrative Code ("NMAC") and consistent with the Commission's Final Orders in Case Nos.18-00006-UT, and 20-00104-UT. Approval of EPE's continued use of its FPPCAC is in accordance with NMSA 1978, Section 62-8-7(E), and Sections 13, 16 and 17 of Rule 17.9.550 NMAC ("Rule 550").

**This notice: describes the NMPRC process to consider EPE's proposed application and describes how you can participate in the process if you wish to do so. If you do not wish to participate in the process, no action is required on your part.**

A FPPCAC automatically flows through to the users of electricity the increases and decreases of applicable fuel and purchased power costs.

Rule 550.17 NMAC requires each utility operating with a FPPCAC as part of its tariff to file an application for continued use of its FPPCAC at intervals of no more than four years.

On December 18, 2023, EPE filed an Amended Application requesting that the Commission allow EPE's FPPCAC to continue without suspension; and that the Commission issue

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a final order granting the continuation of the FPPCAC, and awarding such other relief as the Commission may deem necessary for the continuation of EPE's FPPCAC.

EPE's current FPPCAC was last continued by Commission Final Order in Case No. 18-00006-UT. The Commission's Final Order approving the FPPCAC was issued on February 13, 2019.

In EPE's general rate proceeding Case No. 15-00127-UT, the Commission ordered EPE to remove all fuel and purchased power costs from base rates and instead, bill such costs entirely through the FPPCAC. EPE implemented this requirement and EPE's requested continuation of the FPPCAC mechanism reflects this change.

The Application has been suspended by the Commission and EPE's existing FPPCAC will remain in effect until the Commission issues a final dispositive order in this case.

This matter has been designated as NMPRC Utility Case No. 23-00046-UT and all inquiries and correspondence should refer to that number.

The present procedural schedule for this case is as follows:

A. A public hearing shall be held beginning on June 10, 2024, commencing at 9:00 a.m. MPT, and shall continue as necessary through June 12, 2024. Evidentiary hearings will be held via the Zoom videoconference platform. Access to and participation in the evidentiary hearing shall be limited to party participants (*i.e.*, counsel, witnesses, and other representatives of the parties), the Commissioners, and other essential Commission personnel. The Zoom hearing will be livestreamed through YouTube and will be displayed on the Commission's website at <http://www.nm-prc.org>. Persons not participating in the evidentiary hearing as an attorney or

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witness may view the hearing on the Commission’s website and shall not join the hearing via Zoom except to provide oral comment as allowed below.

B. Any person desiring to become a party (“intervenor”) in the proceeding must file a motion to intervene by February 29, 2024, pursuant to PRC Rules of Procedure 1.2.2.23(A) and 1.2.2.23(B) NMAC. All motions for leave to intervene shall be served on all existing parties and prospective intervenors of record.

C. Staff shall, and intervenors may, file testimony by April 19, 2024.

D. Any stipulation and supporting documents pursuant to 1.2.2.20 NMAC including reconciliation statement containing the information listed in 1.2.2.36(F) NMAC may be filed by May 3, 2024.

E. Opposition to any stipulation shall be filed by May 8, 2024.

F. Any rebuttal testimony shall be filed by May 10, 2024.

G. Testimony in support of a stipulation shall be filed by May 17, 2024.

H. Testimony in opposition to any stipulation shall be filed by May 24, 2024.

I. Stipulation Rebuttal testimony shall be filed by May 31, 2024.

J. A prehearing conference will be held on June 5, 2024, at 9:30 A.M. via the Zoom platform.

Interested persons should contact the Commission at (505) 690-4191 for confirmation of the hearing dates, times, and places-as-hearings are occasionally rescheduled.

Additional details regarding this proceeding and its procedural requirements are set out in the Hearing Examiner’s Procedural Order issued on December 21, 2023.

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Any person whose testimony has been filed shall attend the hearing and submit to examination under oath.

The Commission's Utility Division Procedures 1.2.2 NMAC *et seq.* shall apply to this case except as modified by order of the Commission or Hearing Examiner. The Rules of Procedure and NMPRC rules are available at <https://nmonesource.com/nmos/en/nav.do>.

Interested persons who are not affiliated with a party may make written or oral comments without becoming intervenors. Written comments may be submitted before the Commission takes final action by sending the comments electronically to [prc.records@prc.nm.gov](mailto:prc.records@prc.nm.gov). Pursuant to 1.2.2.23(F) NMAC, comments shall not be considered evidence. Oral comments may be given before the Commission at any of its regular open meetings online via Zoom or in person. Open meetings are held bi-weekly on Thursdays at 10 a.m., at the 2<sup>nd</sup> floor hearing room of the Bokum Building, located at 142 W Palace Ave., Santa Fe, New Mexico 87501. To sign up to provide oral comments online via Zoom at a regular open meeting, send an email to [public.comment@prc.nm.gov](mailto:public.comment@prc.nm.gov) by 5 p.m. the day prior to the meeting to receive a link.

Interested persons may examine EPE's Application at EPE's website <https://www.epelectric.com/company/regulatory> or at EPE's offices, 201 N. Water, Las Cruces, New Mexico, telephone (575) 526-5551. The Application may also be viewed at the Commission's website by accessing the public record for this case on the "Case Lookup – eDocket" at <https://www.nm-prc.org/case-lookup-e-docket/>. Instructional information about how to use eDocket including instructional videos are available on the Commission's website.

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Any person filing pleadings, testimony, or other documents shall comply with the Commission's Electronic Filing Policy, which includes filings in pdf format, with electronic signature, sent to the Records Management Bureau's e-mail address [prc.records@prc.nm.gov](mailto:prc.records@prc.nm.gov). Pleadings, testimony, and other documents shall also be served on all parties of record, Staff, and the Hearing Examiner at [Elizabeth.Hurst@prc.nm.gov](mailto:Elizabeth.Hurst@prc.nm.gov) on the date of filing. All documents emailed to the Hearing Examiner shall include versions in Microsoft Word or other native formats if available. Any filings not emailed to the Hearing Examiner in compliance with the Procedural Order and Commission rules are subject to be summarily rejected and stricken from the record. Documents received after regular business hours will be considered filed the next business day. Regular business hours are from 8:00 A.M to 5:00 P.M.

**ANY PERSON WITH A DISABILITY REQUIRING ACCOMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COMMISSION AT 505-690-4191 AT LEAST 14 DAYS PRIOR TO THE COMMENCEMENT OF THE PUBLIC HEARING.**

ISSUED at Santa Fe, New Mexico this 21<sup>st</sup> day of December 2023.

NEW MEXICO PUBLIC REGULATION COMMISSION



*Elizabeth C. Hurst*

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Elizabeth C. Hurst,  
Hearing Examiner

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