

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF POTENTIAL AMENDMENTS)	
TO NMPRC RULE 17.9.570 NMAC, ENTITLED)	
GOVERNING COGENERATION AND SMALL)	Case No. 20-00175-UT
POWER PRODUCTION)	
)	
IN THE MATTER OF EL PASO ELECTRIC)	
COMPANY’S PROPOSED CHANGES TO RATE)	
SCHEDULE NO. 16, PURSUANT TO NMPRC)	
RULE 17.9.570 NMAC DETERMINATION OF)	
RATES FOR PURCHASES FROM QUALIFYING)	Case No. 23-00222-UT
FACILITIES, UNDER ADVICE NOTICE NO. 285,)	
)	
EL PASO ELECTRIC COMPANY,)	
)	
Applicant.)	
)	

NOTICE TO EPE CUSTOMERS OF PROCEEDING AND HEARING

To El Paso Electric Company (“EPE”) customers: this document is required by the New Mexico Public Regulation Commission (“Commission” or “PRC”). The purpose of this document is to provide you with notice of the above captioned case pending before the Commission.

1. On May 24, 2023, EPE submitted EPE’s Advice Notice No. 285 Forty-Fourth Revised Rate No. 16- Purchased Power Service to the Commission’s Records Management Bureau pursuant to NMPRC Rule 17.1.210.11(B) of the New Mexico Administrative Code (“NMAC”) and the Commission’s Final Order adopting amendments to 17.9.570.11(B) NMAC in Case No. 20-00175-UT dated April 20, 2022.

2. On August 8, 2023, EPE filed its Amended Advice Notice No. 285 with the Commission’s Records Management Bureau.

3. EPE’s Advice Notice No. 285 seeks revisions to EPE’s Rate No. 16-Purchased Power Service avoided energy rates payable to qualifying facilities (“QFs”) under 17.9.570.11

NMAC, which includes payments to EPE's net metered, distributed generation customers under 17.9.570.14 NMAC.

4. The declarations filed by EPE in support of the Advice Notice No. 285 state that EPE's proposed revised Rate No. 16 complies with 17.9.570 NMAC by using the hourly Western Energy Imbalance Market ELAP prices to establish market based avoided cost rates payable to QFs.

5. The Commission has suspended EPE's Advice Notice No. 285, and EPE's current Rate No. 16 will remain in effect until the disposition of this case by final order of the Commission.

6. The Commission has assigned Case No. 23-00222-UT to this Application, and all correspondence, pleadings, comments, inquiries, and other communications must refer to that case number.

7. EPE is certified and authorized to conduct the business of providing public utility service within the State of New Mexico and is a public utility subject to the jurisdiction of the Commission under the PUA.

8. Interested persons may examine Amended Advice Notice No. 285 and the pre-filed testimonies, exhibits, pleadings and other documents filed in the case online at <https://www.prc.nm.gov/> under "eDocket Case Lookup", or by making arrangements for an in-person viewing at the Commission offices by calling 1-888-427-5772 during normal business hours, or at EPE's offices, 2820 Las Vegas Ct., Las Cruces, New Mexico, telephone number (575) 526-5551, or at EPE's website <http://epelectric.com>. All inquiries or written comments concerning this matter should refer to Case No. 23-00222-UT.

9. The procedural schedule established in this case is as follows:

Before the New Mexico Public Regulation Commission

Notice to EPE Customers of Proceeding and Hearing

Case No. 20-00175-UT & 23-00222-UT

(A) EPE shall file Direct Testimony on or before April 26, 2024;

(B) Pursuant to 17.1.2.26 NMAC, any person desiring to intervene in this proceeding must file a Motion for Leave to Intervene on or before May 10, 2024;

(C) The Commission Staff shall, and any Intervenors may, file Direct Testimony on or before May 21, 2024;

(D) Rebuttal Testimony may be filed on or before May 28, 2024;

(E) A public hearing shall be held on June 3, 2024, commencing at 9 a.m. M.T. The hearing will be held via the Zoom teleconferencing platform. The hearing will be held to hear and receive testimony, exhibits, arguments, and any other appropriate matters pertaining to the case; and

(F) Unless canceled, a prehearing conference shall be held at 2 p.m. on May 31, 2024. The prehearing will be held via the Zoom platform.

The procedural dates and requirements provided herein are subject to further order of the Commission or Presiding Officer. The Commission's Rules of Practice and Procedure, 1.2.2 NMAC, apply to this case except as modified by Order of the Commission or Presiding Officer. The Rules of Procedure are available online at <https://www.srca.nm.gov/parts/title01/01.002.0002.html>.

6. Interested persons who are not affiliated with a party may submit written or oral comments pursuant to 1.2.2.23(F) NMAC. Oral comments shall be taken at the beginning of the public hearing on June 3, 2024, and shall be limited to 3 minutes per commenter. Persons wishing to make an oral comment must register in advance no later than 12:00 p.m. MT on May 31, 2024 by contacting Ana Kippenbrock at ana.kippenbrock@prc.nm.gov or (505) 690-4191. Written comments may also be submitted before the Commission takes final action by sending the

Before the New Mexico Public Regulation Commission

Notice to EPE Customers of Proceeding and Hearing

Case No. 20-00175-UT & 23-00222-UT

comment, which shall reference Case No. 23-00222-UT, to prc.records@prc.nm.gov and to Ana Kippenbrock at Ana.Kippenbrock@prc.nm.gov. Pursuant to 1.2.2.23(F) NMAC, written and oral comments shall not be considered evidence.

7. Anyone filing pleadings, documents, or testimony in this case shall serve copies thereof on all parties of record and Staff via email. Any such filings shall also be sent to the Presiding Officer by email at john.kreienkamp@prc.nm.gov. All pleadings shall be emailed on the date they are filed with the Commission.

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

9. Any interested person should contact the Commission by e-mail at ana.kippenbrock@prc.nm.gov or by phone at (505) 690-4191 for confirmation of the hearing date, time, and place since hearings are occasionally rescheduled.

10. Any person with a disability requiring special assistance to participate in this proceeding should contact the Commission at 1-888-427-5772 at least 24 hours prior to the hearing.

ISSUED under the seal of the Commission at Santa Fe, New Mexico, this 15th day of April 2024.



NEW MEXICO PUBLIC REGULATION COMMISSION

A handwritten signature in black ink, appearing to read "John F. Kreienkamp", is written over a horizontal line.

John F. Kreienkamp
Presiding Officer
john.kreienkamp@prc.nm.gov