

EL PASO ELECTRIC COMPANY
FIRST REVISED RATE NO. 39
CANCELLING ORIGINAL RATE NO. 39
ECONOMIC DEVELOPMENT RATE

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X

Page 1 of 4

APPLICABILITY

This rate schedule is available for the total maximum demand of a new Customer or for the additional maximum demand of an existing Customer. The minimum monthly billing demand for any Customer to be eligible for service under this rate schedule must be at least 500 kilowatts ("kW"). A New Customer must not have taken electric service from the Company in New Mexico or Texas within the twelve (12) consecutive months prior to requesting the EDR. An Existing Customer must have taken electric service from the Company for a period of at least twelve (12) consecutive months prior to requesting the Economic Development Rate ("EDR") and must have a proposed incremental demand of at least 100 kW. The availability of this rate schedule will be limited to 50 megawatts of total applicable demand for all participating Customers at any one time. Participation will be based upon the date on which Customers complete all requirements for participation.

Customers taking service under this rate schedule must permanently increase employment by a minimum of two (2) full-time employees per 100 kW of new or additional load ("Qualifying Employees"). The Customer must furnish the Company with a notarized affidavit from an officer, owner, or other appropriate official of the Customer identifying the number of Qualifying Employees directly associated with the new or increased connected load. The Customer must also furnish the Company with similar affidavits stating the actual number of Qualifying Employees as of December 31 of each year that this rate schedule is in effect. Such subsequent written affidavits will be submitted to the Company no later than January 31 of the following year.

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The Customer taking service under this rate schedule must also furnish the Company with a notarized affidavit from an officer, owner, or other official responsible for the decision that resulted in the new load or addition thereto, confirming that availability of this rate schedule was an important contributing factor in the Customer's decision to add the new or additional load, and that absent this rate schedule, the customer would have exercised other available options and added new load or located new service outside of the Company's New Mexico service territory. The Company reserves the right to verify the statements included in each Customer's affidavit.

TERRITORY

Areas served by the Company in Doña Ana, Sierra, Otero and Luna Counties.

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Advice Notice No. 272

Signature/Title


James Schichtl
Vice President – Regulatory and
Governmental Affairs

EFFECTIVE

July 10, 2021

Replaced by NMPRC

By: Commission Final Order

Case No. 20-00104-UT

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Page 2 of 4

TYPE OF SERVICE

The type of service available to the Customer will be determined by the Company and will either be single or three phase, at the option of the Company, and at a standard Company approved voltage. All service will be taken at a single point of delivery designated by the Company and will be measured by a single meter of each kind needed as determined by the Company. Discounts available under this rate schedule will be applicable to the voltage under which the Customer is currently or projected to receive service.

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DEFINITIONS

Base Period – For an Existing Customer, the Base Period is the twelve (12) months immediately preceding the month that service is requested under this rate schedule. For a New Customer, there is no Base Period.

Base Period Demand – For an Existing Customer, the Maximum Demand, as defined in the Customer's applicable retail rate schedule, under normal operating conditions for the Base Period used to determine the additional demand to be billed under this rate schedule. For a New Customer, this amount is 0 kW. In the event an Existing Customer installs energy efficiency measures that reduce its demand, the Maximum Demand for the Base Period will be adjusted to compensate for any such verified demand reduction.

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Existing Customer – As defined in the Applicability section of this rate schedule.

Full-Time Employment – Employment existing at the end of the Base Period for those whose employment has been regularly scheduled for at least 1,500 hours during the Base Period for the purpose of normal operations. Full-Time Employment for New Customers will be mutually agreed upon between the Company and the New Customer. Employment verification procedures will be mutually agreed upon between the Company and the Customer.

Incremental Cost – For purposes of this rate schedule, incremental cost, at a minimum, shall include all additional costs incurred to serve the Customer taking service under this rate schedule that would not otherwise have been incurred to serve other Customers, including but not limited to: fuel and purchased power costs, costs recoverable from Customers pursuant to the Renewable Energy Act and the Efficient Use of Energy Act, and the direct costs of facilities necessary to provide service to the Customer.

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X
X

Page 3 of 4

Incremental Demand – For purposes of this rate schedule, incremental demand is all kW billing demand above the Base Period Demand, and represents the additional demand to be billed at the discounted EDR pursuant to this rate schedule.

New Customer – As defined in the Applicability section of this rate schedule.

Qualifying Employee – As defined in the Applicability section of this rate schedule.

MONTHLY RATE

The Economic Development Rate shall be the retail rate schedule currently in effect and applicable to Customer, except as modified by this section. All provisions in the retail rate schedule are applicable, except as specifically excluded in this rate schedule. X
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The Company may enter into negotiations with the Customer for a mutual agreement to establish lower rates not less than the Company's incremental cost of demand and energy as estimated over the term of the agreement, subject to the provisions below:

1. The proposed EDR agreement shall be subject to NMPRC review and approval. X
2. An EDR agreement approved or otherwise allowed to become effective for any Customer shall last no longer than four (4) years, except that the NMPRC may approve the EDR contract for up to twelve (12) additional months if the NMPRC determines that the additional period is necessary to attract a particular Customer to New Mexico. X
3. During the term of the EDR contract, should circumstances occur that disqualify a Customer from eligibility for an EDR, the Company shall promptly provide written notice to the Customer of the termination of the EDR contract and the associated EDR. EDR contract termination and removal of the discounted EDR shall be effective with the first billing cycle occurring a minimum of ten (10) days from the date of the written notice.
4. In the event that the Customer terminates electric service prior to the end of the EDR agreement termination date, the Company shall bill the Customer and the Customer shall reimburse the Company for the difference between the amounts charged to the Customer X
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Page 4 of 4

for the billing periods the EDR was in effect and the amounts that would have been charged under the otherwise applicable rate schedule.

X

TERMS AND CONDITIONS

Service supplied under this rate schedule is subject to the Company's Rules and Regulations on file with the NMPRC and available for inspection at Company offices. The provisions of any agreement associated with service under this rate schedule are also applicable.

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A Customer without a prior service history with the Company will be classified under the appropriate rate schedule in accordance with the demand estimate performed by the Company.

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Existing businesses changing ownership, location, or name do not qualify as new Customers. Those businesses must assume the same Base Period Demand as though they were continuing businesses and may qualify for an EDR as any other existing business. If a business ceases to exist and the premises are occupied by a new owner and a new business is created, it may qualify as a New Customer. The designation as a New Customer shall be determined by the Company, subject to the Customer's right to seek NMPRC review of such determination.

In the event the maximum monthly demand of an Existing Customer falls below the Base Period monthly maximum demand, the EDR contract between the Company and Customer will be void and the Customer will take service under the applicable rate schedule.

The Company retains the right to modify specific EDR contracts, with notice, to ensure compliance with applicable laws and regulations.

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The Company retains the right to modify this rate schedule, with notice and upon NMPRC approval, as economic conditions in its New Mexico service area dictate.

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