



300 Galisteo Street, Suite 206  
Santa Fe, New Mexico 87501  
(505) 982-7391

**HAND-DELIVERED**

**May 1, 2017**

Ms. Melanie Sandoval  
Records Bureau  
New Mexico Public Regulation Commission  
1120 Paseo de Peralta  
Santa Fe, NM 87501

MAY 1 '17 PM2:09

17-00090-UT

**Re: El Paso Electric Company's 2017 Procurement Plan Application and  
Testimony in Support Thereof Pursuant to the Renewable Energy Act and Rule  
17.9.572 NMAC**

Dear Ms. Sandoval:

Enclosed please find the original and five (5) copies of El Paso Electric Company's 2016 Annual Renewable Energy Portfolio Procurement Plan Application and the Prepared Direct Testimonies of EPE Witnesses Schichtl, Gallegos and Carrasco. A check for the \$25 filing fee is also enclosed.

Please conform and return two (2) copies to our messenger.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nancy B. Burns".

Nancy B. Burns  
Senior Attorney  
El Paso Electric Company

Enclosures

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF EL PASO )  
ELECTRIC COMPANY'S 2017 )  
RENEWABLE ENERGY PLAN )  
PURSUANT TO THE RENEWABLE )  
ENERGY ACT AND 17.9.572 NMAC )**

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**CASE NO. 17-00090 -UT**

MAY 1 '17 PM 2:09

**EL PASO ELECTRIC COMPANY'S APPLICATION FOR  
APPROVAL OF ITS 2017 ANNUAL RENEWABLE ENERGY PLAN  
AND REQUEST FOR RPS WAIVER AND DIVERSITY VARIANCES**

El Paso Electric Company ("EPE" or "Company") hereby files its 2017 Annual Renewable Energy Plan ("2017 Plan") for its renewable energy compliance with the New Mexico Renewable Energy Act ("REA" or "Act") and the New Mexico Public Regulation Commission's ("NMPRC" or "Commission") Rule 17.9.572 NMAC, Renewable Energy as a Source of Electricity ("Rule 572" or "Rule"). EPE's 2017 Plan covers the years 2018 and 2019 ("Plan Years"), proposes to implement a Renewable Portfolio Standard Cost Rider to recover approved REA plan costs, and is supported by the testimonies of EPE Witnesses James Schichtl, Omar Gallegos and Manuel Carrasco.

EPE's 2017 Plan details the previously approved actions and estimated costs for Plan Years 2018 and 2019 to meet the applicable Renewable Portfolio Standard ("RPS") requirements of the Act. The 2017 Plan also addresses the Commission's diversity targets detailed in Rule 572, and applies the statutory limitations of the Reasonable Cost Threshold ("RCT"). The 2017 Plan incorporates the procurement actions and costs approved by the Commission in prior plan years, and requests an additional one-year RPS partial waiver and diversity variances similar to those granted by the Commission in NMPRC Case No. 16-00109-UT ("2016 Plan").

In this Application, EPE requests a partial waiver from the 2019 Total RPS, pursuant to the REA and Rule, because EPE demonstrates that the cost to procure additional renewable

resources to meet the 2019 Total RPS would exceed the RCT. The REA and Rule do not require EPE to meet the full RPS when additional costs would exceed the RCT. EPE also requests variances to the Commission's 2019 Wind and Biomass/Other diversity targets because of RCT limitations, technical constraints, and unavailability of these resources at reasonable cost for 2019. The Commission previously granted EPE a partial waiver of 2018 Total RPS and variances to 2018 Wind and Biomass/Other diversity targets in the 2016 Plan for similar reasons. EPE also proposes to implement an RPS Cost Rider for recovery of approved RPS plan costs.

In developing its 2017 Plan, EPE calculated the applicable RCT and cost cap for large non-governmental customers, using the RCT methodology in current Rule 572 and approved by the Commission in Case Nos. 15-00117-UT and 16-00109-UT. EPE's existing procurements and costs have been previously approved in prior procurement cases that used a different RCT methodology at the time of those approvals. Under the current RCT methodology, any new or additional procurement costs for Plan Years 2018 and 2019 would exceed the RCT. In its 2017 Plan, EPE continues to rely upon its previously-approved procurements for RPS compliance in 2018 and 2019. Pursuant to the partial waiver and variances authorized by the Commission, EPE will meet the RPS and partial diversity standards for Plan Year 2018 with its existing renewable energy resources. EPE will not meet the full Plan Year 2019 RPS requirement of 15 percent of retail jurisdictional energy or its full diversity requirements for wind and biomass/other resources absent the partial waiver and variances requested in the 2017 Plan, because of the RCT limitations, technical constraints and unavailability of resources at a reasonable cost for 2019.

Although EPE is not required to incur RPS costs in excess of the RCT in the 2017 Plan, EPE's 2017 Plan also presents a wind Renewable Energy Certificate ("REC") procurement option, which if approved, would allow EPE to meet its total RPS and full wind diversity

requirements in the 2018 Plan Year through 2022 at minimal impact to the RCT, and would supersede EPE's requests for a partial waiver and wind variance in this 2017 Plan proceeding.

Additionally, EPE has added additional solar resources outside the RPS process. For instance, EPE has a system resource purchase of 50 MW of solar energy and RECs, and has voluntarily used New Mexico allocated RECs from the purchased power agreement to supplement its RPS compliance, at no additional cost to New Mexico customers. EPE has been granted a certificate of public convenience and necessity for a 5 MW solar resource to be located on Holloman Air Force Base and any RECs from the facility also will supplement RPS compliance, at no additional cost to New Mexico customers. The facility is expected to begin operation in late 2017. EPE continues to consider renewable resources when it evaluates its system needs and resources to meet future load growth.

EPE proposes to implement an RPS Cost Rider for recovery of approved REA plan costs. Alternatively, as previously approved by the Commission, EPE will continue to recover the RPS costs of bundled renewable energy and associated RECs through the Fuel and Purchased Power Cost Adjustment Clause ("FPPCAC"), and all other procurement plan costs incurred by EPE to meet its RPS obligations will be deferred with carrying charges for recovery in a general rate case.

## **PROCUREMENT PLAN REQUIREMENTS**

The Act and Rule require utilities to file annual procurement plans detailing the means by which the utility will meet upcoming yearly RPS requirements. Utilities are also required to file annual reports and to document the procurement of renewable energy resources through RECs. EPE has separately filed its Rule 572 NMAC 2016 Annual Report concurrently with this filing.

The Act requires the annual Procurement Plan to include: 1) the cost of procurement of any new renewable energy resources in the next calendar year required to comply with the portfolio standard; 2) testimony and exhibits that demonstrate that the proposed procurement is reasonable as to the terms and conditions including price, availability, dispatchability, and renewable energy certificate values and diversity of renewable energy resource; or 3) demonstration that the plan is otherwise in the public interest. The Act and Rule also contain an RCT that determines a reasonable cost cap for procurement costs to be incurred for RPS and/or diversity compliance. If costs of additional procurement would exceed the RCT, the utility is not required to incur those costs under the Act and Rule.

In addition to the Act's requirements, Rule 572 requires EPE to address the following:

- (1) testimony and exhibits providing a full explanation of the utility's determination of the plan year and next plan year renewable portfolio standard and reasonable cost threshold;
- (2) the cost of procurement in the plan year and the next plan year for all new renewable energy resources required to comply with the renewable portfolio standard selected by the utility pursuant to Section 13 of this rule;
- (3) the amount of renewable energy the public utility plans to provide in the plan year and the next plan year required to comply with the renewable portfolio standard;
- (4) testimony and exhibits demonstrating how the cost and amount specified in Paragraphs (2) and (3) of this subsection were determined;
- (5) testimony and exhibits demonstrating the plan year and next plan year procurement amounts and costs based on revenue requirements expected to be recovered by the utility;
- (6) testimony and exhibits demonstrating the plan year and next plan year procurement amounts and costs if complying with a fully diversified renewable portfolio standard is limited by the reasonable cost threshold;
- (7) testimony and exhibits demonstrating the plan year and next plan year procurement amounts and costs based on revenue requirements expected to be recovered by the utility if limited by the reasonable cost threshold;

- (8) testimony and exhibits that demonstrate that the proposed procurement is reasonable as to its terms and conditions considering price, costs of interconnection and transmission, availability, dispatchability, renewable energy certificate values and portfolio diversification requirements;
- (9) testimony and exhibits regarding the amount and impact of renewable energy that can be added in any given year without adding generating resources for load following or system regulation purposes;
- (10) testimony and exhibits demonstrating that the portfolio procurement plan is consistent with the integrated resource plan and explaining any material differences; and
- (11) demonstration that the plan is otherwise in the public interest.

17.9.572.14 NMAC.

### **EPE'S 2017 PROCUREMENT PLAN**

EPE's 2017 Plan is based on procurement actions, partial waiver and variances, previously approved by the Commission, with no new procurement actions and costs submitted for approval herein. EPE requests a partial waiver of the statutory RPS percentage for Plan Year 2019 and a variance from the Rule's fully diversified portfolio targets for Plan Year 2019, because EPE is not required to incur additional procurement costs to meet its full RPS and diversity standards when such costs would exceed the RCT. Based on EPE's estimated renewable energy megawatt-hour ("MWh") requirements for New Mexico, EPE projects that it will need RECs for 241,212 MWh (241,211,959 kWh) to meet its statutory RPS requirements for 2018; and RECs for 241,986 MWh (241,986,101 kWh) for 2019. EPE projects that the cap for large non-government customers will result in a reduction to its RPS obligations in both 2018 and 2019. Pursuant to the Rule, EPE is requesting a partial waiver from compliance with the 2019 Total RPS.

EPE's 2017 Plan also addresses the Commission's Rule 572 diversity targets in 2018 and 2019. EPE is not required to meet the full diversity targets if doing so would require EPE to

incur costs in excess of the RCT, when there are technical constraints, or when such resources are not available at reasonable cost. The Commission has granted EPE a variance for its 2018 Wind and Biomass/Other diversity amounts due to RCT limitations, technical constraints with EPE's biomass supplier, and unavailability of alternatives at reasonable cost. In this filing, EPE demonstrates that a variance is required for Plan Year 2019 from the full wind diversity amount of 30 percent of the RPS, and a variance is also required from the full Biomass/Other diversity amount of 5 percent of the RPS. These variances are necessary due to the RCT limitation and unavailability of additional wind and biomass/other resources without increasing existing procurement costs that already exceed the RCT. If the variances are granted, however, EPE will still maintain a diversified portfolio. EPE will also continue to evaluate more renewable resources outside the RPS to meet its overall system needs.

#### **TESTIMONY AND EXHIBITS IN SUPPORT OF 2017 PLAN**

EPE's 2017 Plan is detailed in the Direct Testimonies and Exhibits of James Schichtl, Omar Gallegos and Manuel Carrasco.

EPE Witness Schichtl introduces EPE's witnesses and discusses RPS issues from a regulatory policy perspective, including a description of directives included in the Final Order in Case No. 16-00109-UT ("2016 Plan"). Mr. Schichtl supports the reasonableness of the terms and conditions of an EPE wind REC procurement option, given EPE's RCT status, and he demonstrates that the wind REC option, if approved, would allow EPE to achieve total RPS and wind diversity compliance in the 2018 Plan Year through 2022 at minimal impact to the RCT. Mr. Schichtl additionally supports EPE's proposal to implement an RPS Cost Rider to recover approved REA plan costs. Finally, Mr. Schichtl presents updated information on EPE's REC purchase programs for customer-installed Distributed Generation (DG) systems.

Calculations of the RPS requirements are presented in the testimony of EPE Witness

Gallegos. Mr. Gallegos addresses EPE's current and proposed renewable energy resources for EPE's 2018 and 2019 RPS and diversity standards in 2018 and 2019. Mr. Gallegos also explains the associated costs of EPE's previously approved procurement actions. Mr. Gallegos addresses EPE's request for a waiver from the 2019 Total RPS, pursuant to Rule 572, because any additional costs will exceed the RCT. Mr. Gallegos also addresses the need for variances in 2019 to the Commission's Wind and Biomass/Other resource diversity targets. Finally, Mr. Gallegos supports EPE's ongoing initiatives to investigate and evaluate procurement of additional renewable resources, and he discusses the opportunity for a wind REC procurement, which if authorized, would allow EPE to achieve total RPS and full wind diversity requirements for the 2018 and 2019 Plan Years.

EPE Witness Carrasco presents the RCT evaluation and calculations for 2018 and 2019 as required by Rule 572. Mr. Carrasco explains that meeting the full 2019 Total RPS would require additional costs that exceed the RCT. Mr. Carrasco also presents the large non-governmental cap calculations for 2018 and 2019, which result in a reduction to the RPS requirement in both Plan Years. Finally, Mr. Carrasco presents EPE's calculation of its proposed RPS Cost Rider.

#### **REQUESTED APPROVALS FOR EPE'S 2017 PROCUREMENT PLAN**

EPE requests that the Commission approve EPE's 2017 Procurement Plan as presented, which relies upon existing previously-approved procurements with no new resource additions, for RPS compliance in 2018 and 2019. EPE also presents for Commission consideration an opportunity to purchase Wind RECs that would, if approved by the Commission, allow EPE to meet RPS and wind diversity requirements in the Plan Years at relatively low cost and impact to customers. EPE has not included the proposed contract in its proposed 2017 Procurement Plan due to the current portfolio cost relative to the RCT.



EPE requests approval to implement an RPS Cost Rider to recover approved REA plan costs. Alternatively, EPE will continue to recover its existing procurement costs consistent with its approved 2016 Plan through EPE's base rates and FPPCAC in accordance with Commission approvals in EPE's prior procurement proceedings and future ratemaking proceedings.

EPE further requests, to the extent necessary, a partial waiver of the full RPS obligation in Plan Year 2019 because of the RCT limitation, and requests, to the extent necessary, variances from its Wind and Biomass/Other diversity requirements for Plan Year 2019 due to RCT limitations, technical constraints and unavailability of these at reasonable cost for 2019.

A Proposed Form of Notice to Customers is attached as Attachment A.

#### **SERVICE OF PLEADINGS**

Service of all notices, pleadings and other documents related to this Application should be made as follows:

Jaime Antonio Apodaca  
El Paso Electric Company  
100 N. Stanton Street  
El Paso, Texas 79901-1442  
Post Office Box 982  
El Paso, Texas 79960-0982  
(915) 543-2064

Nancy B. Burns  
Senior Attorney  
New Mexico Bar No. 7538  
El Paso Electric Company  
300 Galisteo Street, Suite 206  
Santa Fe, NM 87501  
Telephone (505) 982-7391  
nancy.burns@epelectric.com

In addition to service on the above, EPE requests electronic service of all pleadings and documents as follows: [tony.apodaca@epelectric.com](mailto:tony.apodaca@epelectric.com), [Maritza.Perez@epelectric.com](mailto:Maritza.Perez@epelectric.com), [nancy.burns@epelectric.com](mailto:nancy.burns@epelectric.com), and [patricia.griego@epelectric.com](mailto:patricia.griego@epelectric.com).

## CONCLUSION

EPE's 2017 Plan complies with the requirements of the REA and Rule 572. EPE requests that the Commission approve EPE's 2017 Plan and requests, to the extent necessary, for a one-year partial waiver from 2019 Total RPS and variances to 2019 Wind and Biomass/Other diversity targets. EPE further requests the Commission find: that EPE's 2017 Plan, as described above and detailed in the supporting testimonies and exhibits, is reasonable and complies with the REA and Rule 572; that the 2017 Plan and associated costs shall be approved; and that EPE be authorized to implement an RPS Cost Rider to recover costs that are consistent with the approved Plan, as well as prior approved plans not yet included in EPE's base rates for recovery.

Respectfully submitted,



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**ATTORNEY FOR EL PASO  
ELECTRIC COMPANY**

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

IN THE MATTER OF EL PASO ELECTRIC )  
COMPANY'S 2017 RENEWABLE ENERGY PLAN )  
PURSUANT TO THE RENEWABLE ENERGY ACT ) Case No. 17-00\_\_\_\_-UT  
AND 17.9.572 NMAC )  
\_\_\_\_\_ )

**NOTICE TO EPE CUSTOMERS**

**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 May 1, 2017, El Paso Electric Company ("EPE" or "Company") filed its 2017 Annual Procurement Plan ("2017 Plan") for its renewable energy compliance with the New Mexico Renewable Energy Act ("REA" or "Act") and the Commission's Rule 17.9.572 NMAC, Renewable Energy as a Source of Electricity ("Rule 572" or "Rule"). EPE's 2017 Plan covers the years 2018 and 2019. EPE states that its 2017 Plan details the previously approved actions and estimated costs for Plan Years 2018 and 2019 to meet the applicable Renewable Energy Portfolio Standard ("RPS") requirements of the Act.

EPE requests that the Commission approve its 2017 Plan and additionally seeks the following:

(A) A partial waiver from meeting the full RPS percentage for Plan Year 2019, pursuant to the REA and Rule, based upon EPE's calculation that the cost to procure additional renewable resources would exceed the reasonable cost threshold ("RCT").

(B) Wind, and Biomass/Other diversity variances for Plan Year 2019 from the wind diversity amounts of 30% of RPS and the Biomass/Other diversity amounts of 5%

of RPS because EPE states that it cannot meet the minimum percentage amounts because of RCT limitations, technical constraints, and unavailability of these resources at reasonable cost for 2019.

(C) A Renewable Portfolio Standard Cost Rider to recover Commission-approved, REA plan costs. Alternatively, as previously approved, EPE will continue to recover the costs of bundled renewable energy and associated RECs through the Fuel and Purchased Power Cost Adjustment Factor ("FPPCAC"), and all other costs incurred by EPE to meet its RPS obligations will be deferred with carrying charges for recovery in a general rate case.

This case has been docketed as Case No. 17-00\_\_\_\_-UT, and any inquiries should be referred to that number.

Any interested person may inspect EPE's Application through the Case *Lookup EdoCKET* on the Commission's Website at <http://164.64.85.108/> and in person at the following places:

El Paso Electric Company  
201 N. Water Street  
Las Cruces, NM 88001  
  
Phone (575) 526-5551

Public Regulation Commission  
Records Department  
1120 Paseo de Peralta, Room 406  
Santa Fe, NM 87504

The procedural schedule for this case is as follows:

1. Any person desiring to intervene in the proceeding must file a Motion to intervene pursuant to 1.2.2.23 NMAC on or before July \_\_, 2017.
2. The Commission's Utility Division Staff shall, and any intervenor may, file direct testimony on or before August \_\_, 2017.
3. Any rebuttal testimony shall be filed on or before August \_\_, 2017.

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

5. A public hearing to hear and receive testimony, exhibits, arguments, and any other appropriate matters relevant to this proceeding is set to commence at 9:30 a.m. on August \_\_\_\_, 2017 and continue if necessary through August \_\_\_\_, 2017. The Hearing will be held in the Ground Floor Board Room of the P.E.R.A. Building at 1120 Paseo de Peralta in Santa Fe, New Mexico. The hearing may be vacated if deemed not required under NMSA 1978, § 62-9-1(C) (2005); in such case, the Commission will take public comment and dispose of the Application at an Open Meeting.

Any interested person should contact the Commission for confirmation of the hearing date, time, and place since hearings are occasionally rescheduled.

Any interested person may appear at the public hearing and give a written or oral comment pursuant to the Commission's Utility Division Rules of Procedure 1.2.2.23(F) NMAC without becoming an intervenor. Comments will not be considered as evidence in this case. Interested persons may also file written comments, which shall make reference to NMPRC Case No. 16-00109-UT, at the following address:

New Mexico Public Regulation Commission  
Records Department  
1120 Paseo de Peralta  
PO Box 1269  
Santa Fe, New Mexico 87501-1269

The Commission's Utility Division Procedures 1.2.2 NMAC apply to this case, except as modified by Order of the Commission or the Hearing Examiner, and they are available at the Commission's Website at <http://164.64.110.239/nmac/titles.htm>.

Anyone filing pleadings, documents, or testimony in this case shall serve copies thereof on all parties of record and Staff via email and first class U.S mail. Any such filings shall also be sent to the Hearing Examiner by email at \_\_\_\_\_.

All pleadings shall be emailed on the date they are filed with the Commission.

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.

The procedural dates and requirements provided herein are subject to further order of the Commission or Hearing Examiner.

**I S S U E D** at Santa Fe, New Mexico this \_\_\_\_ day of June, 2017.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

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**Hearing Examiner**

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF EL PASO ELECTRIC )  
COMPANY'S 2017 RENEWABLE ENERGY PLAN )  
PURSUANT TO THE RENEWABLE ENERGY ACT )  
AND 17.9.572 NMAC )**

**Case No. 17-00090-UT**

MAY 1 '17 PM 2:09

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY that El Paso Electric Company's Application for Approval of Its 2017 Annual Renewable Energy Plan and Request for RPS Waiver and Diversity Variances and Supporting Direct Testimonies of Witnesses, Schichtl, Gallegos and Carrasco was emailed, mailed first class, or hand-delivered on May 1, 2017, to each of the following:**

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DATED this 1<sup>st</sup> day of May, 2017.



**Trish Griego**  
**Legal Assistant**