



BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF EL PASO ELECTRIC)
COMPANY'S APPLICATION FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR CONSTRUCTION OF)
UTILITY GENERATING PLANT)
)
EL PASO ELECTRIC COMPANY,)
)
Applicant)
_____)**

Case No. 07-00301-UT

PROCEDURAL ORDER

THIS MATTER comes before Carolyn R. Glick, Hearing Examiner, upon the Application of El Paso Electric Company ("EPE") for a Certificate of Public Convenience and Necessity ("CCN"). Being duly apprised, the Hearing Examiner **FINDS** and **CONCLUDES**:

1. On July 11, 2007, EPE filed with the New Mexico Public Regulation Commission ("Commission") its Application requesting a CCN for the construction of a natural gas-fired power plant to be constructed at an existing EPE generating station in the City of El Paso, Texas. The Application was docketed as captioned above.
2. On September 5, 2007, the Commission issued an Order designating the undersigned as Hearing Examiner to preside over this matter.
3. On September 5, 2007, the Hearing Examiner issued an Order setting a pre-hearing conference for September 17, 2007.
4. The Commission has jurisdiction over the parties and the subject matter of this case.
5. On September 17, 2007, a pre-hearing conference was convened in this matter.

6. The schedule agreed on at the pre-hearing conference and the other procedural details set out below should be adopted for this proceeding.

The Hearing Examiner **ORDERS** that:

A. By September 21, 2007, EPE shall cause, at its sole expense, the Notice appended hereto as Attachment A to be published one time in a newspaper or newspapers of general circulation in the counties in which EPE seeks to construct or operate the proposed facilities. EPE shall promptly file an affidavit reflecting such publication with the Commission.

B. Any person desiring to become a party to this case must file a Motion for Leave to Intervene, pursuant to 17.1.2.26.A NMAC, on or before October 15, 2007.

C. Staff shall, and any intervenors may, file direct testimony on or before January 8, 2008.

D. Rebuttal testimony may be filed on or before January 22, 2008.

E. A public hearing will be held beginning at 9:00 a.m. on January 24, 2008, at the Commission's offices, Marian Hall, 224 East Palace, Santa Fe, New Mexico 87501.

F. Anyone filing pleadings, documents or testimony in this case shall serve copies thereof on all parties of record and the Commission Staff via e-mail and first class U.S. mail. Any such filings shall also be sent to the Hearing Examiner via e-mail. Any such filings shall be e-mailed on the date they are filed with the Commission.

G. Service of discovery requests and responses shall be via e-mail unless otherwise agreed. Responses to discovery requests, including exhibits thereto, shall be due seven calendar days after service.

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

I. Interested persons should contact the Commission for confirmation of the hearing date, time and place, since hearings are occasionally rescheduled.

J. The Commission's Utility Division Procedures, 17.1.2 NMAC, shall apply to this case except as modified by Order of the Commission or Hearing Examiner.


K. Any interested person may appear at the time and place of hearing and make written or oral comment pursuant to 17.1.2.26.F NMAC without becoming an intervenor. Such comments will not be considered as evidence in this case.

L. Any person with a disability requiring special assistance in order to participate in this proceeding should contact the Commission at least 24 hours prior to the commencement of the hearing.

M. Any interested person may examine EPE's Application, testimonies, exhibits and related papers at EPE's office at 123 West Mills Street, El Paso, Texas 79901, telephone: (915) 543-4187 or EPE's office at 201 N. Water Street, Las Cruces, New Mexico 88001, telephone (505) 526-5551, or at the Commission's offices at the address set out above in Paragraph E, telephone: (505) 827-6940.

ISSUED at Santa Fe, New Mexico this 17th day of September, 2007.

NEW MEXICO PUBLIC REGULATION COMMISSION



Carolyn R. Glick
Hearing Examiner

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Applicant)
_____)**

Case No. 07-00301-UT

NOTICE

NOTICE is hereby given that:

1. On July 18, 2007, El Paso Electric Company ("EPE") filed its Application with the New Mexico Public Regulation Commission ("Commission") for issuance of a certificate of public convenience and necessity to construct and operate a new generating unit. EPE seeks approval of the construction and operation of a nominally rated 288 megawatt ("MW") natural gas-fired power plant, referred to as Newman Unit 5, to be constructed at an existing EPE generation station in the City of El Paso, Texas.

2. The Newman Unit 5 project consists of approximately 288 MW (under summer conditions) of natural gas-fired generating capacity that EPE plans to construct in two phases. Phase I, to be completed in May 2009, will consist of the construction of two 70 MW combustion turbines in simple-cycle configuration, for a total of 140 MW. Phase II, to be completed in May 2010, will convert the facilities to combined cycle operation and will add 148 MW to the project, increasing the total capacity to 288 MW.

3. The estimated construction cost of the project is \$217,037,000. In addition, the estimated amount of allowance for funds used during construction is \$27,652,000, for a total estimated project cost of \$244,689,000. EPE has not requested any ratemaking determinations, and no change in EPE's electric service rates is requested or required at this time.

4. The present schedule for this case is as follows:

A. Any person desiring to become a party to this case must file a Motion for Leave to Intervene, pursuant to 17.1.2.26.A NMAC, on or before October 15, 2007.

B. Staff shall, and any intervenors may, file direct testimony on or before January 8, 2008.

C. Rebuttal testimony may be filed on or before January 22, 2008.

D. A public hearing will be held beginning at 9:00 a.m. on January 24, 2008, at the Commission's offices, Marian Hall, 224 East Palace, Santa Fe, New Mexico 87501.

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

6. Anyone filing pleadings, documents or testimony in this case shall serve copies thereof on all parties of record and the Commission Staff via e-mail and first class U.S. mail. Any such filings shall also be sent to the Hearing Examiner via e-mail. Any such filings shall be e-mailed on the date they are filed with the Commission.

7. Service of discovery requests and responses shall be via e-mail unless otherwise agreed. Responses to discovery requests, including exhibits thereto, shall be due seven calendar days after service.

8. Interested persons should contact the Commission for confirmation of the hearing date, time and place, since hearings are occasionally rescheduled.

9. The Commission's Utility Division Procedures, 17.1.2 NMAC, shall apply to this case except as modified by Order of the Commission or Hearing Examiner.

10. Any interested person may appear at the time and place of hearing and make written or oral comment pursuant to 17.1.2.26.F NMAC without becoming an intervenor. Such comments will not be considered as evidence in this case.


11. Any person with a disability requiring special assistance in order to participate in this proceeding should contact the Commission at least 24 hours prior to the commencement of the hearing.

12. Any interested person may examine EPE's Application, testimonies, exhibits and related papers at EPE's office at 123 West Mills Street, El Paso, Texas 79901, telephone: (915) 543-4187 or EPE's office at 201 N. Water Street, Las Cruces, New Mexico 88001, telephone (505) 526-5551, or at the Commission's offices at the address set out above in Paragraph 4(D).

13. The Commission has assigned Case No. 07-00301-UT to this proceeding, and all correspondence and other communications shall refer to that case number.

ISSUED at Santa Fe, New Mexico this 17th day of September, 2007.

NEW MEXICO PUBLIC REGULATION COMMISSION



Carolyn R. Glick
Hearing Examiner

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)
Applicant.)
_____)

Case No. 07-00301-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Procedural Order and Notice**, issued September 17, 2007, was mailed first-class, postage prepaid to the following:

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DATED this 17th day of September, 2007.

NEW MEXICO PUBLIC REGULATION COMMISSION


Elizabeth Saiz, Law Clerk