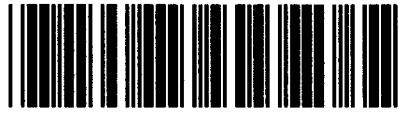




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PUC DOCKET NO. 38895  
SOAH DOCKET NO. 473-11-1409

APPLICATION OF EL PASO § PUBLIC UTILITY COMMISSION  
ELECTRIC COMPANY FOR §  
AUTHORITY TO DECREASE FIXED § OF TEXAS  
FUEL FACTOR PURSUANT TO §  
FORMULA §

ORDER NO. 4  
DISMISSING APPLICATION AND CLOSING DOCKET

On November 23, 2010, El Paso Electric Company (EPE or Company) filed an application to revise a fixed fuel factor to be effective for the first billing cycle of the January 2011 billing month. EPE stated that the filing complied with the formula approved by the Commission in Docket No. 37690.<sup>1</sup>

On November 23, 2010, the matter was referred to the State Office of Administrative Hearings (SOAH).

On December 2, 2010, the SOAH Administrative Law Judge (ALJ) issued Order No. 1, establishing interim rates, as well as a deadline of December 3, 2010, for the purpose of requesting a hearing, and absent such a request, implementation of the revised fuel factor would become final by its own terms and without further Commission order. No request was received; therefore, the revised fuel factor became final.

On January 6, 2011, the SOAH ALJ dismissed the proceeding from the SOAH docket.

Based upon the foregoing, this matter is also dismissed from the Commission's docket and Docket No. 38895 is hereby closed.

SIGNED AT AUSTIN, TEXAS on the 6th day of January 2011.

PUBLIC UTILITY COMMISSION OF TEXAS



IRENE MONTELONGO  
DIRECTOR, DOCKET MANAGEMENT

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<sup>1</sup> Application of El Paso Electric Company to Change Rates, Reconcile Fuel Costs, to Establish Formula-Based Fuel Factors, and to Establish an Energy Efficiency Cost Recovery Factor, Docket No. 37690, Order (Jul. 30, 2010).