

DOCKET NO. 59690

**APPLICATION OF EL PASO §
ELECTRIC COMPANY TO AMEND § BEFORE THE
ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY TO § PUBLIC UTILITY COMMISSION
INCLUDE THE COPPERHEAD AND §
BLACK MOUNTAIN SOLAR AND § OF TEXAS
BATTERY STORAGE FACILITIES §**

**EL PASO ELECTRIC COMPANY'S APPLICATION TO AMEND
ITS CERTIFICATE OF CONVENIENCE AND NECESSITY
TO INCLUDE THE COPPERHEAD AND BLACK MOUNTAIN SOLAR AND
BATTERY STORAGE FACILITIES**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, EL PASO ELECTRIC COMPANY (“EPE” or “Company”), and files this application for approval to amend its certificate of convenience and necessity (“CCN”) to construct, own and operate 1) a 200-megawatt (“MW”) solar photovoltaic (“PV”) generating facility co-located with a 200-MW battery energy storage system (“BESS”), known as the Copperhead Energy Project (“Copperhead”), and 2) a 100 MW solar PV generating facility co-located with a 50 MW BESS facility, known as the Black Mountain Energy Project (“Black Mountain”) (collectively, “the Projects”). The proposed facilities will be dedicated to serve EPE's Texas customers. Copperhead and Black Mountain are needed to address the significant growth in demand from EPE's Texas customers and to meet the Company's Texas planning reserve margin. EPE intends for Copperhead and Black Mountain to help fill a need for capacity and energy beginning in 2028.

In support, EPE respectfully shows as follows:

I. BUSINESS ADDRESS/AUTHORIZED REPRESENTATIVES

EPE is headquartered in El Paso, Texas, with its business address located at 100 N. Stanton Street, El Paso, Texas 79901, and provides services to customers in both Texas and New Mexico. EPE's authorized representative for the purpose of receiving service of documents are as follows:

DeAndra Acosta
EL PASO ELECTRIC COMPANY
100 N. Stanton
El Paso, Texas 79901
P: (915) 543-4354

DeAndra.Acosta@epelectric.com
EPE_Reg_Mgmt@epelectric.com

EPE's authorized legal representatives and designated recipients for service of pleadings and other documents are:

Rosanna Al-Hakeem
State Bar No. 24097285
EL PASO ELECTRIC COMPANY
P.O. Box 982
El Paso, Texas 79960
P: (915) 521-4664
rosanna.alhakeem@epelectric.com

William Coe
State Bar No. 00790477
Jay Breedveld
State Bar No. 00790362
BALCH & BINGHAM LLP
P.O. Box 1149
Austin, Texas 78767
P: (512) 744-9300
F: (512) 744-9399
wcoe@balch.com
jbreedveld@balch.com

Pleadings and other documents should be served on Ms. Acosta at the address given above.

II. PARTIES AND JURISDICTION

EPE is an electric utility, a public utility, and a utility, as those terms are defined in the Public Utility Regulatory Act (“PURA”), Tex. Util. Code Ann. §§ 11.004(1) and 31.002(6). The Public Utility Commission of Texas (“Commission”) has jurisdiction over this application under PURA Sections 37.053 and 37.056 and 16 Texas Administrative Code (“TAC”) § 25.101(b).

III. BACKGROUND AND DESCRIPTION OF APPLICATION

There are two components of the Projects proposed in this filing: one for solar capacity, and another for BESS capacity, both of which the Company will use as combined generation resources allocated to its Texas jurisdiction. Both components will be constructed at the same location, respectively, and are expected to be operational by the second quarter of 2028. The following explains the background and history of how the generating facilities that make up the Projects were chosen by EPE to help meet the energy and capacity needs of its Texas customers.

EPE's annual resource planning has continually revealed a need for additional resources to meet the growth in demand from the Company's Texas customers and its planning reserve margin. Based on updated load forecasting and continued growth in demand, in July 2025 EPE issued the 2025 Texas RFP, an all-source competitive resource solicitation, to meet those needs. EPE sought bids for long-term supply or demand side resources to meet its resource needs starting with the 2027 summer peak season (500 MW by 2027 and growing in later years).

In response to the 2025 Texas RFP, EPE received 101 proposals. EPE performed a rigorous and thorough review and evaluation of these proposals, assisted by an independent evaluator, and selected nine proposals as the lowest reasonable cost portfolio of resources that would help meet the Company's resource needs and further its resource diversity strategy:

Table 1: 2025 Texas Awarded Resources Including Copperhead and Black Mountain¹

Resource Name	Resource				COD	Tranche Selection	Status
	Solar (MW)	BESS (MW)	Gas (MW)	Total (MW)			
Felina Battery Project 2025 RFP - EFEL		150		150	2027	Tranche 1	Seeking regulatory approval in Docket No. 59585
Black Mountain Project 2025 RFP - EBM	100	50		150	2028	Tranche 1	Seeking regulatory approval in this filing (April 2026)
Copperhead Project 2025 RFP - ECOP	200	200		400	2028	Tranche 1	Seeking regulatory approval in this filing (April 2026)
2025 RFP - DRMAL		65		65	2028	Tranche 1	Engaged in contract negotiations
2025 RFP - DRMES	75	75		150	2028	Tranche 1	Engaged in contract negotiations
2025 RFP - NECIN		70		70	2028	Tranche 1	Engaged in contract negotiations
Tranche 1 Total	375	610	0	985			
2025 RFP - NHBS		35		35	2028	Tranche 2	Engaged in contract negotiations
2025 RFP - NS			450	450	2029	Tranche 2	Engaged in contract negotiations
2025 RFP - VAE			162	162	2030	Tranche 2	Engaged in contract negotiations
Tranche 2 Total	0	35	612	647			

¹ Tranche 2 is subject to further evaluation pending commercial negotiations.

IV. TESTIMONY AND SUPPORTING EXHIBITS

Included in this application are direct testimonies and exhibits supporting the authorization for an amendment to EPE's CCN to include the Projects. EPE offers the direct testimony of George Novela, Edmundo Salazar, Emmanuel Villalobos, Enedina Soto and Teresa Sosa in support of this application.

George Novela is EPE's Senior Director of Regulatory Policy and Rates. Mr. Novela presents the Company's request for CCN approval of the Projects and summarizes EPE's filing. He also specifically provides information about how the Projects will be financed, as well as the probable cost of the Projects and their impact on rates. Finally, Mr. Novela introduces the other EPE witnesses providing testimony in this proceeding and discusses the regulatory requirements for approval for the Projects.

Enedina Soto is EPE's Manager of the Load Research & Data Analytics Department. Ms. Soto provides EPE's load forecasts for 2025 and 2026, as well as actual prior year load growth, which is consistent with the recent load forecasts and supports EPE's need for additional generation resources that the Projects will help to meet.

Emmanuel Villalobos is EPE's Director of Market Development and Resource Strategy. Mr. Villalobos discusses the process and procedure employed by EPE to determine the need for additional resources to reliably serve the Company's customers and specifically, to determine the need for the Projects. Mr. Villalobos explains the 2025 Texas RFP process EPE used to solicit generating resources to meet the Company's energy and capacity needs, the evaluation of the projects that were bid into the 2025 Texas RFP, and how EPE determined that the Projects will be part of the lowest reasonable cost portfolio of resources for meeting EPE's capacity needs and planning reserve margin.

Edmundo Salazar is EPE's Director of Project Development for the Energy Solutions and Business Development Department. Mr. Salazar provides support for the Company's filing by explaining the proposals for the Copperhead and Black Mountain generating facilities that EPE bid in to the 2025 Texas RFP, the technical details of the Projects' solar PV and BESS facilities and the process by which the facilities will be developed and constructed, the currently estimated project costs and the projected federal tax credit benefits EPE expects to earn for the Projects.

Teresa Sosa is EPE's Director of Environmental and Safety. She provides testimony for environmental issues related to the Projects and addresses certain statutory and regulatory factors to be considered by the Commission in evaluating EPE's application for a CCN amendment for the Projects.

V. PARTIES, CUSTOMERS, AND TERRITORIES AFFECTED

By itself, the granting of the CCN amendment sought by this application will not affect any party or customer (other than adjacent landowners), or any of EPE's territory. After the proposed Projects are constructed and enter commercial operations, EPE will seek to recover these costs through EPE's rates, and such rate relief will affect all of EPE's customers.

VI. NOTICE

EPE's proposed notice is based on 16 TAC § 22.52(a), titled "Notice in Licensing Proceedings." Specifically, EPE intends to publish notice one time in a newspaper of general circulation in EPE's Texas service area. EPE will email notice of the application to the City of El Paso, Town of Clint and to the county government of the County of El Paso. No other Texas County or municipality is located within five miles of either Project location. EPE will also email notice of the application to the Department of Defense Siting Clearinghouse.

EPE will send notice of this filing to all parties in Docket No. 57568, EPE's most recent base rate case, which includes the Office of Public Utility Counsel, and all parties in Docket No. 57149, EPE's recent fuel reconciliation. EPE will also send a copy of the application and any environmental impact study and/or assessment for the project to the Texas Parks and Wildlife Department for its review.

As for notice to landowners, 16 TAC § 22.52(a)(3) states that such notice is required where the landowner would be "directly affected by the certificate." The rule goes on to state that: "land is directly affected if an easement or other property interest would be obtained over all or any portion of it, or if it contains a habitable structure that would be within 300 feet of the centerline of a transmission project of 230 kilovolts (kV) or less, or within 500 feet of the centerline of a transmission project greater than 230kV." Landowners adjacent to the location of a new substation are also considered to be directly affected by the Projects. EPE is the owner of the land upon which the Projects will be constructed and operated; no additional easements or other property interest will be obtained as to any other land located in Texas.

There are no neighboring utilities providing the same service within five miles of the requested facilities, so EPE will not provide notice to any other utilities.

EPE's proposed form of notice is included as Attachment A, which includes a Landowner Notice for those owners of land directly affected by the Projects. The notice that will be sent or mailed (but not the newspaper notice) will include a map that reflects area landmarks, including but not limited to geographic landmarks, municipal and county boundary lines, streets, roads, highways, railroad tracks, and other readily identifiable points of reference. This map is included in Attachment A and is also available on EPE's public website at <http://www.epelectric.com/about-el-paso-electric>. EPE intends to have newspaper notice published during the week following the filing of this application.

VII. REQUEST FOR PROTECTIVE ORDER

EPE anticipates that parties may request confidential information. To ensure the timely and appropriate delivery of such information, EPE proposes to use the Commission's standard protective order in this docket.

VIII. CONCLUSION AND PRAYER

EPE needs more resources to continue meeting its customers' demand for reliable service. Using its competitive RFP process, and for the reasons described in the testimony accompanying this petition, EPE selected the Projects to meet the capacity and energy needs of its Texas customers. EPE has demonstrated the need for the resources, which will provide cost-effective and reliable service to EPE's Texas customers. Therefore, the Company respectfully requests that the Commission grant the relief requested in this Application, including:

- a) approval of an amendment to EPE's CCN to construct, own, and operate the Copperhead and Black Mountain facilities;
- b) approval of EPE's proposed method and form of notice;
- c) entry of the Commission's standard Protective Order; and
- d) such other relief to which EPE may be entitled.

Respectfully submitted,

EL PASO ELECTRIC COMPANY

l/ Rosanna Al-Hakeem _____

Rosanna Al-Hakeem
State Bar No. 24097285
El Paso Electric Company

P.O. Box 982
El Paso, Texas 79960
P: (915) 521-4664
E: rosanna.alhakeem@epelectric.com

William Coe
State Bar No. 00790477
Jay Breedveld
State Bar No. 00790362
BALCH & BINGHAM LLP
P.O. Box 1149
Austin, Texas 78767
P: (512) 744-9300
F: (512) 744-9399
wcoe@balch.com
jbreedveld@balch.com
**Attorneys for the Applicant El Paso
Electric Company**

PUBLIC NOTICE

On April 30, 2026, El Paso Electric Company (EPE or Company) filed an application with the Public Utility Commission of Texas (Commission) requesting an amendment to its Certificate of Convenience and Necessity (CCN) to construct, own and operate a new 200-megawatt ("MW") solar photovoltaic ("PV") generation facility, co-located with a 200 MW battery energy storage system ("BESS"), which will be called the Copperhead Energy Project ("Copperhead") , and 2) a 100 MW solar PV generating facility co-located with a 50 MW BESS facility, known as the Black Mountain Energy Project ("Black Mountain") (collectively, "the Projects"). Both Projects will be Texas resources. The docket number and style of the application are PUC Docket No. 59690. "Application of El Paso Electric Company to Amend Its Certificate of Convenience and Necessity to Include the Copperhead and Black Mountain Solar and Battery Storage Facilities." EPE is not seeking to change its rates in this proceeding.

There are two components of each of the Projects proposed in this filing: solar PV generating capacity and BESS. Both components will be used by the Company as resources allocated to serving its Texas jurisdiction and both components will be constructed at the same respective Project location, and they are expected to be operational by the second quarter of 2028.

In order to meet customer demand and to satisfy its reliability standards, EPE determined that it needs additional long-term energy supply resources. Consequently, on July 1, 2025, EPE issued a competitive All-Source Request for Proposal for Electric Power Supply and Load Management Resources for Texas to obtain long-term cost effective, reliable electric resources that will meet its Texas customer load requirements. EPE received 101 bids for a variety of resource types and capacity options. Based on an evaluation of the bids EPE received using economic and other criteria, along with the oversight of an independent evaluator, EPE selected nine proposals as the lowest reasonable cost portfolio that would reliably meet the needs of EPE's Texas customers and the Company's planning reserve margin. The Projects are two of those nine proposals.

The Projects' solar PV facilities will consist of crystalline silicon PV modules manufactured by SEG and Canadian Solar, both of which are considered Tier 1 PV module suppliers. The selected panels are high wattage and large format to reduce the overall number of panels to be installed. The modules will be mounted to a single axis tracking system configured one panel high in portrait.

The Copperhead BESS facility is a HiTHIUM ESS 5.016MWh (4-hr) model with a liquid-cooled container which uses prismatic Lithium Iron Phosphate 314Ah cells. These containers meet the highest level of safety requirements for energy storage systems prescribed by IEC, UL, ISO and UN. The BESS will include a three-phase bidirectional storage inverter that can be used in grid-connected and stand-alone systems. Black Mountain will use the Tesla Megapack 2 XL (Megapack) which is an all-in-one utility-scale energy storage system optimized for cost and performance. Megapack's architecture consists of battery cells aggregated into modules, and power electronics modules. Both are thermally managed by an integrated liquid cooling and heating system for thermal safety, enhanced performance, and reliability. The Inverter for the BESS is a bi-directional power conversion system that couples each Megapack with the power grid in AC power.

Copperhead will be built in the city of El Paso, Texas. The precise location of the site where Copperhead will be built and operated is 31.63° latitude and 106.05° longitude. The proposed point of interconnection for Copperhead will be the Company's existing Wicked-to-Seaback transmission line at 115kV, located adjacent to the Project site. Copperhead will utilize already existing transmission infrastructure to create cost efficiencies and minimize development lag. Black Mountain will be built near Afton, New Mexico. The precise location of the site where Black Mountain will be built and operated is 32.0898° latitude and 106.7782° longitude. The proposed point of interconnection will include a 345kV generation tie line to interconnect to the Company's existing 345kV Afton North-to-Vado transmission line. Black Mountain will also use already existing transmission infrastructure to create cost efficiencies and minimize development lag. Both Projects will include the installation of a new high voltage substation to support interconnection to EPE's transmission system.

The cumulative estimated cash capital cost for the Projects is approximately \$872 million. The cost does not reflect the federal Production Tax Credits or Investment Tax Credits for renewable energy projects provided by the Inflation Reduction Act of 2022.

The deadline for intervention in this proceeding is June 8, 2026; a letter requesting intervention should be received by the Commission by that date. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Commission at (512) 936-7120 or (888) 782-8477. Hearing-and speech-impaired individuals with text

telephones ("TTY") may contact the Commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. A copy of EPE's petition may be viewed on the Commission's webpage at www.puc.state.tx.us. The Commission maintains an electronic copy of all filings on the "filings - interchange" section of its webpage. The control number for this proceeding on the Commission's webpage is 59690.

Persons with questions, who want more information on this petition, or who want to obtain a copy of a map that depicts the facilities may also contact EPE at 100 N. Stanton, El Paso, Texas 79901, or call 915-543-4185, during normal business hours and request information concerning the Copperhead/Black Mountain CCN. Maps depicting the locations of the facilities may be reviewed at EPE's offices at 100 N. Stanton, El Paso, Texas 79901.

LANDOWNER NOTICE

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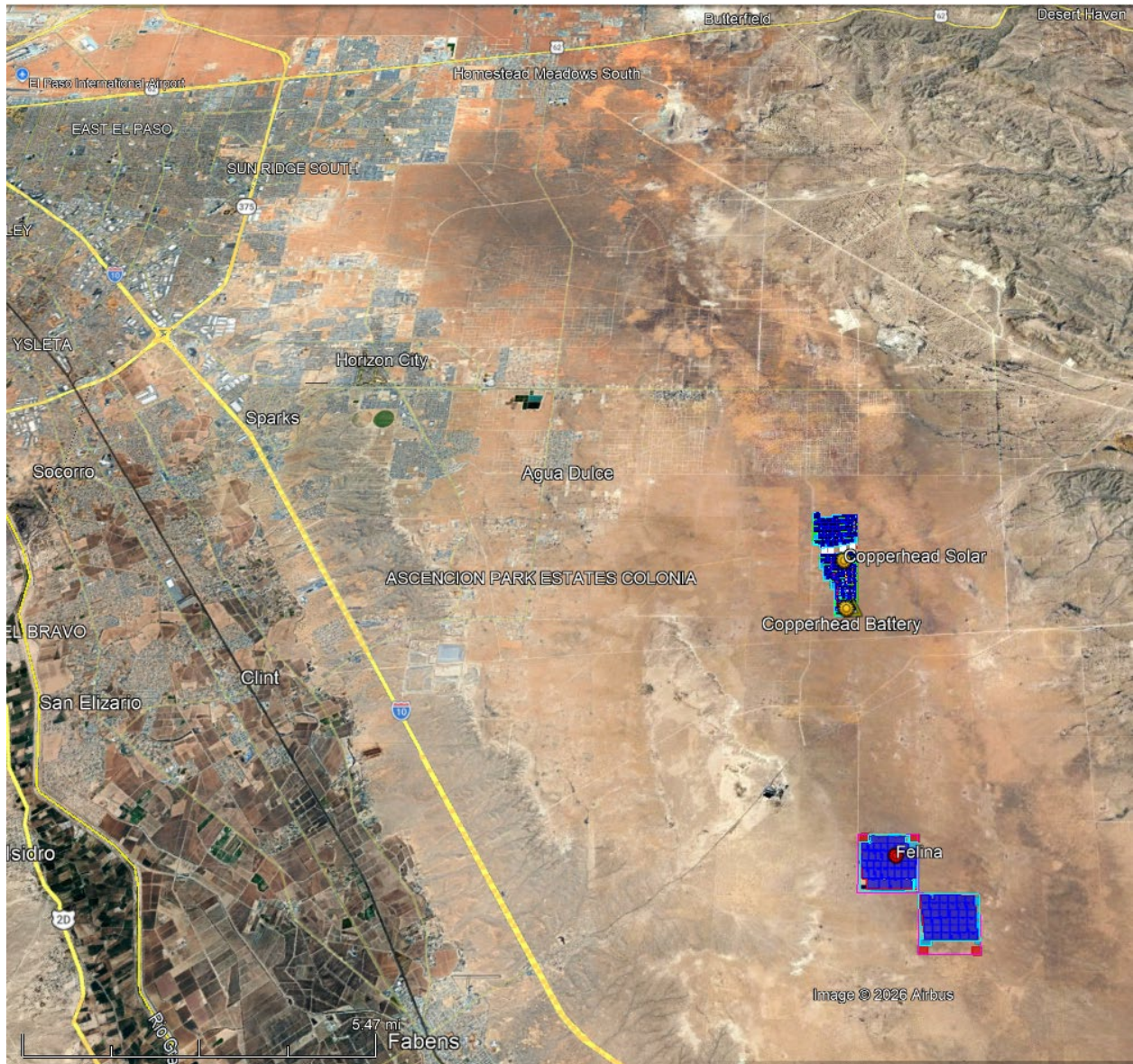
The cumulative estimated cash capital cost for the Projects is approximately \$872 million. The cost does not reflect the federal Production Tax Credits or Investment Tax Credits for renewable energy projects provided by the Inflation Reduction Act of 2022.

Your land may be directly affected in this docket. If EPE's application is approved, it will have the right to build a facility, which may directly affect your land.

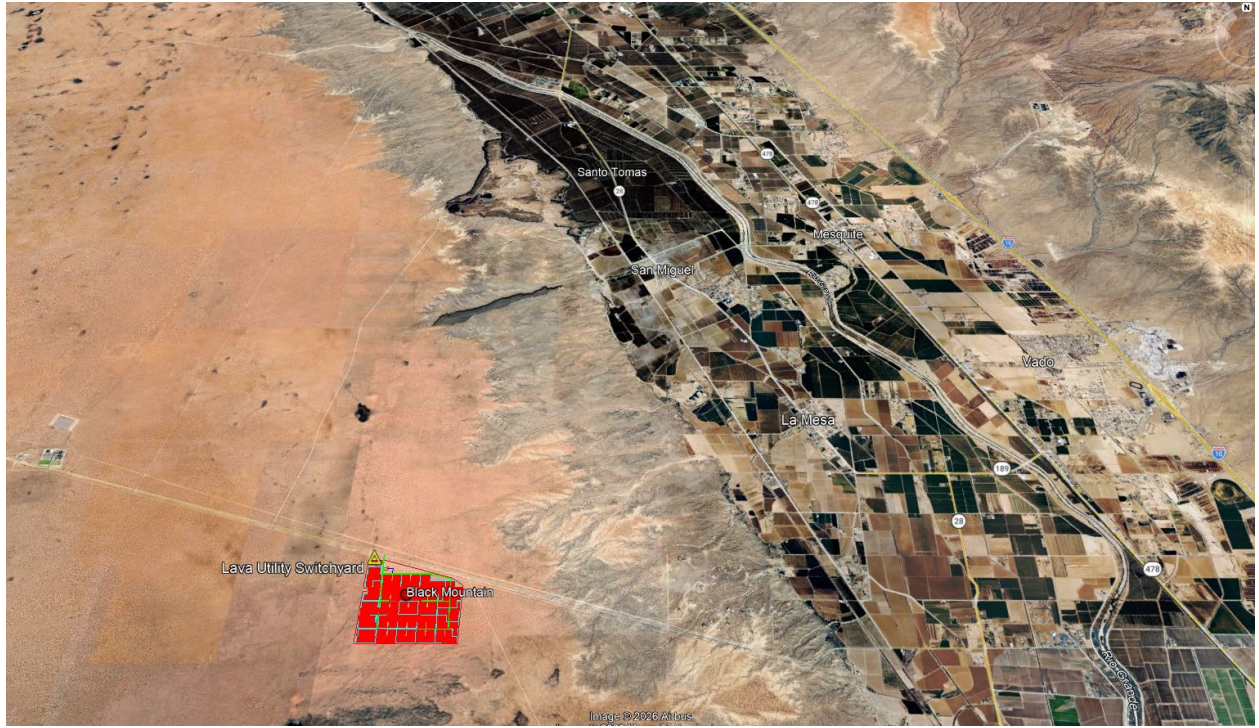
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Copperhead Battery and Solar Site Location Map



Black Mountain Battery and Solar Site Location Map



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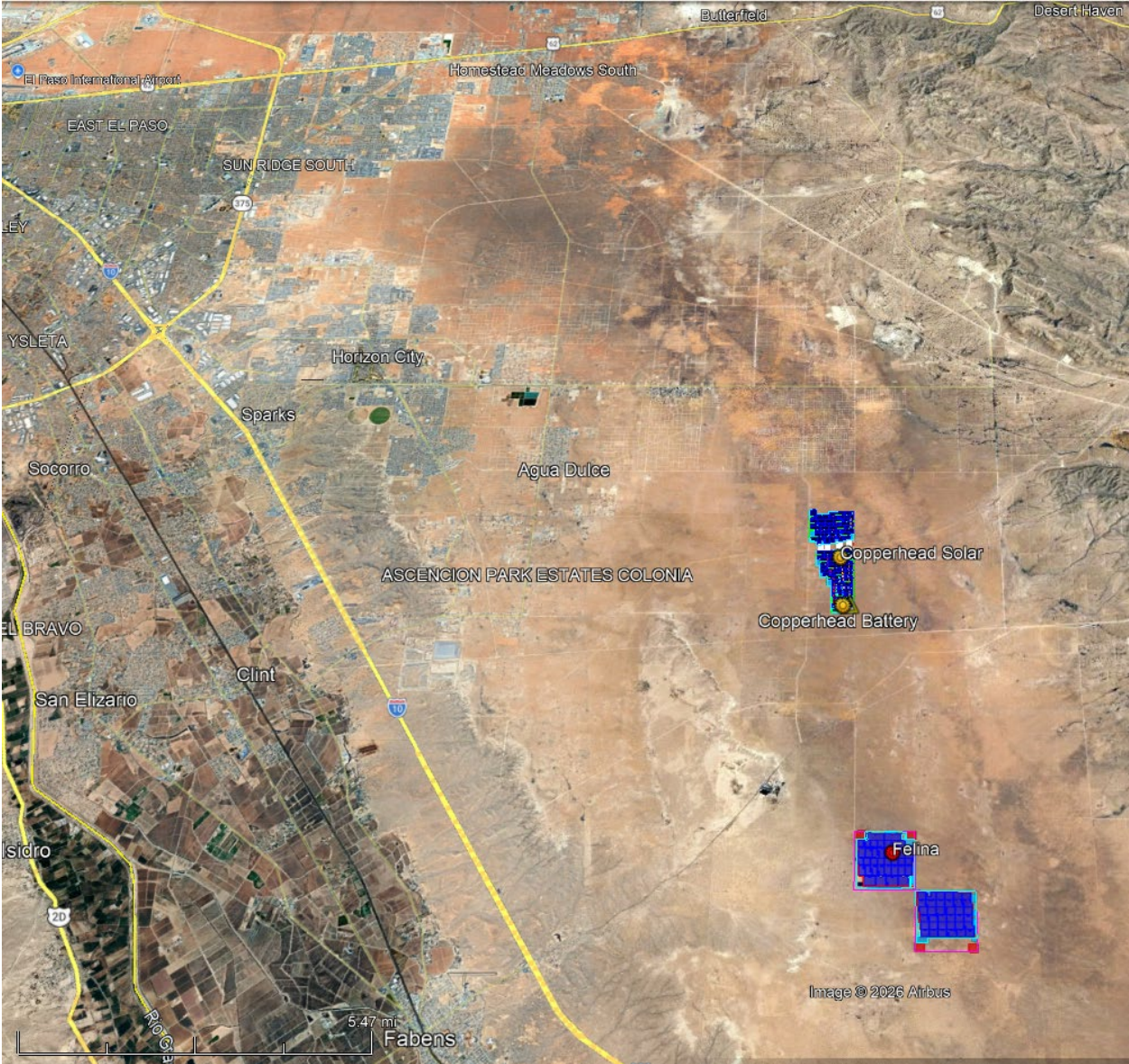
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