

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION
OF EL PASO ELECTRIC COMPANY FOR
APPROVAL OF ABANDONMENT OF ITS
RIO GRANDE POWER PLANT UNIT 7 AND
NEWMAN POWER PLANT UNIT 1**

Case No. 23-00403-UT

**EL PASO ELECTRIC COMPANY,
Applicant.**

NOTICE

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”):

1. In accordance with the Public Utility Act (PUA), NMSA 1978, § 62-9-5, on December 5, 2023, El Paso Electric Company (EPE) filed an application with supporting testimony with the Commission requesting that the Commission enter an order authorizing EPE to abandon Rio Grande Power Plant Unit 7 (“RG 7” or “Rio Grande Unit 7”) and Newman Power Plant Unit 1 (“NM 1” or “Newman 1”) by January 1, 2026.

2. EPE's Application states that: (a) RG 7 and NM 1 are past the end of their useful lives; (b) the present and future public convenience and necessity do not require the service or use of RG 7 and NM 1; and, (c) EPE is not seeking any relief related to rates in this proceeding.

3. The Commission assigned Case No. 23-00403-UT to EPE's application. All correspondence, pleadings, comments, inquiries, and other communications relating to this matter shall refer to that case number.

4. EPE is certified and authorized to conduct the business of providing public utility service within the State of New Mexico and is a public utility subject to the jurisdiction of the Commission under the PUA.

5. Persons interested in EPE's application may examine it and the pre-filed testimonies, exhibits, pleadings, and other documents filed in the case online at <https://www.prc.nm.gov/case-lookup-e-docket/> under “Case Lookup E-Docket,” or by making arrangements for an in-person viewing at the Commission offices by calling (505) 690-4191 during normal business hours, or at EPE's offices, 201 N. Water, Las Cruces, New Mexico, telephone number (575) 526-5551, or at EPE's website <http://epelectric.com>. All inquiries or written comments concerning this matter should refer to Case No. 23-00403-UT.

6. The procedural schedule established in this case is, at this time, as follows:

(A) Any person desiring to become a party to this case shall file a motion for leave to intervene that complies with the applicable portions of 1.2.2.23 NMAC on or before April 15, 2024;

(B) The Commission's Staff shall, and any intervenors may, file direct testimony on or before June 7, 2024;

(C) Rebuttal Testimony may be filed on or before July 9, 2024;

(D) A prehearing conference will be held on July 30, 2024, at 1:00 p.m. The prehearing will either be in person at a location to be determined or via the Zoom platform in whole or in part. An order addressing this subject will be issued as that date nears.

(E) A public hearing shall be held beginning on August 6, 2024, commencing at 9:00 a.m. M.T. and shall continue as necessary through August 8, 2024. The hearing will be held either in person at a location to be determined or via the Zoom platform in whole or in part. At the hearing, testimony will be received and exhibits, arguments, and any other appropriate matters pertaining to the case submitted.

7. The procedural dates and requirements provided here are subject to further order of the Hearing Examiner or Commission and any person interested in these proceedings should take steps necessary to stay informed of amendments to the procedural schedule. Interested persons may contact the Commission by e-mail at ana.kippenbrock@prc.nm.gov or by phone at (505) 690-4191 for confirmation of the hearing date, time, and place.

8. The Commission's rules of practice and procedure, 1.1.2. NMAC, apply to this case except as modified by order of the Hearing Examiner or Commission. Those rules of procedure are available online at the New Mexico Compilation Commission's website which is at www.nmonesource.com.

9. Interested persons who are not affiliated with a party may submit written or oral comments pursuant to Rule 1.2.2.23(F) NMAC. Oral comments will be taken at the beginning of the public hearing on August 6, 2024, and will be limited to 3 minutes per commenter. Additional procedures for oral comments will be set in subsequent orders. Written comments may be submitted at any time before the Commission takes final action by sending the comment, which shall reference Case No. 23-00403-UT, to prc.records@prc.nm.gov. Both oral and written comments are afforded equal weight. Neither form of comment is "evidence." 1.2.2.23(F) NMAC.

10. Anyone filing pleadings, documents, or testimony in this case shall serve copies on all parties of record and Commission staff via email. Any such filings shall also be sent to the Hearing Examiner by email at christopher.ryan@prc.nm.gov. All pleadings shall be emailed on the date they are filed with the Commission.

11. Any person who files testimony will attend the hearing and submit to examination under oath.

12. Any person with a disability requiring special assistance to participate in the public hearing should contact Ana Kippenbrock at ana.kippenbrock@prc.nm.gov or (505) 690-4191 at least 24 hours prior to the commencement of the public hearing.

ISSUED at Santa Fe, New Mexico, this 7th day of February 2024.

New Mexico Public Regulation Commission

A handwritten signature in black ink, appearing to read 'C. Ryan', is written over a horizontal line.

Christopher P. Ryan
Hearing Examiner
christopher.ryan@prc.nm.gov