**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )**

**EL PASO ELECTRIC COMPANY FOR A )**

**VARIANCE FROM THE FUEL AND PURCHASED )**

**POWER COST ADJUSTMENT CLAUSE ) Case No. 21-00064-UT**

**METHODOLOGY )**

**)**

**EL PASO ELECTRIC COMPANY, )**

**Applicant. )**

**)**

**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"):

1. On March 17, 2021, El Paso Electric Company ("EPE" or "Company") filed its request for approval of its Application for a Variance from the Fuel and Purchased Power Cost Adjustment Clause ("FPPCAC") Methodology, pursuant to New Mexico Public Regulation Commission (“NMPRC” or “Commission”) Rule 17.9.550 Fuel and Purchased Power Cost Adjustment Clause for Electric Utilities of the New Mexico Administrative Code (“NMAC”) (“Rule 550”), seeking a Commission order authorizing a variance from its approved methodology for recovery of costs through its Fuel and Purchased Power Cost Adjustment Clause (“FPPCAC”). See 17.9.550.8 NMAC.
2. EPE requested that the Commission approve EPE's February 2021 Rule 550 Report, without suspension, and grant a variance from the approved FPPCAC methodology that authorizes the inclusion of $6.8 million in EPE’s FPPCAC balancing account, and the recovery of a $566,760 per month amortization for twelve months beginning with April 2021 bills as reflected in the February 2021 Rule 550 Report.
3. On March 31, 2021, the Commission issued an Order setting a temporary FPPCAC adjustment and appointing a hearing examiner for further proceedings. EPE was ordered to modify the application of its FPPCAC for April 2021 billing to exclude the “incremental costs” for the February 2021 cold weather event claimed by EPE in its Motion.
4. The Commission has issued Orders finding jurisdiction over this proceeding and setting the case for an adjudicatory proceeding on the issue of recovery of the incremental costs associated with the February 2021 cold weather event.
5. A prehearing was held on April 22, 2021. The Commission has set the schedule for hearing of this case as follows:

A. A public hearing shall be held beginning on July 21, 2021, commencing at 9:00 a.m. MDT, and shall continue as necessary through July 22, 2021. The hearing shall be held via the Zoom videoconference platform unless the Hearing Examiner orders otherwise.

B. The persons who filed responses to EPE’s Motion for Variance are automatically deemed parties to this case and need not file motions to intervene. These persons are the City of Las Cruces; Dona Ana County; Allen Downs; Philip Simpson; and Merrie Lee Soules. Any other person desiring to intervene to become a party (intervenor) must file a motion for leave to intervene in conformity with Rules of Procedure 1.2.2.23(A) and 1.2.2.23(B) NMAC on or before June 11, 2021.

C. EPE shall file direct testimony on or before May 14, 2021.

D. The Commission Staff shall, and Intervenors may, file direct testimony on or before June 18, 2021.

E. If the parties are able to agree to a stipulation, that stipulation must be filed on or before July 2, 2021 to be considered.

F. Rebuttal testimony may be filed on or before July 13, 2021.

1. This matter has been designated as Case No. 21-00064-UT and all inquiries and correspondence should refer to that number.
2. The Commission's Rules of Practice and Procedure, 1.2.2 NMAC, apply to this case except as modified by Order. The Rules of Procedure are available online at <http://164.64.110.134/nmac/home>.
3. Interested persons may examine the Application, Procedural Order, and the prefiled testimonies, exhibits, pleadings and other documents filed in the case online at <http://nmprc.state.nm.us> under “Case Lookup Edocket.” Interested persons may contact Ana Kippenbrock at [ana.kippenbrock@state.nm.us](mailto:ana.kippenbrock@state.nm.us) or 505-690-4191 for assistance in accessing Edocket.
4. Interested persons who are not affiliated with a party may make written or oral comments without becoming intervenors. Oral comments will be entertained only at the 9:00 a.m. start of the hearing on July 21, 2021 and will be limited to three minutes per commenter. Persons wishing to make an oral comment must register in advance, not later than noon on July 20, 2021, by emailing Ana Kippenbrock at [ana.kippenbrock@state.nm.us](mailto:ana.kippenbrock@state.nm.us). Written comments may be submitted before the Commission takes final action by sending the comment electronically to [prc.records@state.nm.us](mailto:prc.records@state.nm.us). Pursuant to 1.2.2.23(F) NMAC, comments shall not be considered evidence.
5. Pleadings, testimony and other documents shall also be served on all parties of record and Staff in the way or ways specified in the most recent Certificate of Service issued in this case by the Hearing Examiner. Copies of all filings shall also be emailed on the date of filing and service to the Hearing Examiner at Carolyn.glick@state.nm.us. All documents emailed to the Hearing Examiner shall also include versions created in Microsoft Word or other native formats if available.
6. Any person whose testimony has been filed shall attend the hearing and submit to examination under oath.
7. Interested persons should contact the Commission at 505-690-4191 for confirmation of the hearing dates, times and places, since hearings are occasionally rescheduled.
8. Any person with a disability requiring special assistance to participate in this proceeding should contact the hearing examiner at Carolyn.glick@state.nm.us at least 24 hours before the hearing begins.

**ISSUED** at Santa Fe, New Mexico on April 26, 2021.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

***/s Carolyn R. Glick***

**Carolyn R. Glick, Hearing Examiner**