

EL PASO ELECTRIC COMPANY

SCHEDULE NO. 51

**INTERRUPTIBLE POWER SERVICE
FOR QUALIFYING FACILITIES**

APPLICABILITY

This rate schedule is available to Qualifying Facilities and to Customers taking service from a third party Qualifying Facility which qualifies as a small power production facility or a cogeneration facility as defined in 18 CFR, Part 292, Subpart B, of the final rules issued by the Federal Energy Regulatory Commission to implement Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978. Pursuant to 18 CFR Part 292.204(a), a qualifying power production facility is "small" when it does not exceed 80 megawatts.

The Customer will furnish to the Company such data as required by the Company to determine that the customer meets the requirements for qualification.

The Qualifying Facility may be connected for (1) parallel operation with the Company's service, or (2) isolated operation with Interruptible Power Service provided by the Company by means of a double-throw switch.

TERRITORY

Texas Service Area

TYPE OF SERVICE

Service available under this rate schedule will be taken at one point of delivery designated by the Company and at one of the Company's standard types of service. Electric energy will be measured by a single meter, or other measuring device, of each kind needed.

Interruptible power is defined as electric energy or capacity supplied by the Company subject to interruption by the Company under specified conditions.

INTERRUPTIBLE POWER SERVICE RATE

The Interruptible Power Service Rate shall be the Noticed Interruptible Power Service rates currently in effect and which would be applicable to the Customer absent its Qualifying Facility generation.

MONTHLY RESERVATION FEE

A monthly reservation fee will be charged in the months that interruptible power is not utilized by the Qualifying Facility. The reservation fee will be the retail rates currently in effect and applicable to the Customer absent its Qualifying Facility generation times the

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greater of ten percent of the monthly contracted capacity demand or the experienced annual Forced Outage Rate (FOR) of the Customer expressed in percentage terms of the Qualifying Facility for the most recent twelve (12) month period ending with the current month times the monthly contracted capacity demand.

DELIVERY SERVICE CHARGE

A delivery service charge will be billed to the Customer during the months that neither Maintenance Power Service nor Backup Power Service is utilized by the Qualifying Facility. The delivery service charges shall be:

Delivery Service Charge Per kW of Contract Capacity	Connected Load Up To 600 kW	Connected Load In Excess of 600 kW
Secondary Delivery	\$4.73	\$3.91
Primary Delivery	\$3.77	\$3.29

The charge is less any Delivery Service Charges applied pursuant to the provisions of the Company's Rate Schedule No. 47, Backup Power Service for Qualifying Facilities, or Rate Schedule No. 46, Maintenance Power Service for Qualifying Facilities, but not less than \$0.

COMMON PROVISIONS

Interconnection Charge:

Customers on this rate schedule shall be subject to a charge for interconnection costs.

Interconnection costs are the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, engineering and administrative costs incurred by the Company related to the installation of the physical facilities necessary to permit interconnected operations with a Qualifying Facility, to the extent such costs are in excess of the costs that the Company would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy or capacity itself or purchased an equivalent amount of electric energy or capacity from other sources.

The Company shall provide a detailed estimate of the cost of interconnection within thirty (30) days of receipt of the approved written application for interconnection. The Customer shall pay the full amount of the estimated interconnection costs at the time notice to interconnect is provided to the Company.

Upon completion of the interconnection, the actual costs shall be computed by the

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Company and reimbursements shall be made for the difference between the actual and estimated cost of interconnection. In addition, customers with design capacity greater than 100 kW shall pay an annual charge of 4.6334% of the capital costs of interconnection to provide for the recovery of property taxes, revenue related taxes, depreciation expense, and operation and maintenance expenses. The annual charge of 4.6334% is payable by the Customer in monthly installments at the rate of one-twelfth (1/12) of the annual charge per month.

GENERAL CONDITIONS

The Company may make intentional interruptions at any time and from time to time, when emergency conditions exist and at the Company's sole discretion, for up to two hundred (200) hours in any calendar year with individual interruptions limited to no more than six (6) hours per interruption, and no more than three (3) interruptions per calendar week. In the event of an interruption, the Company will provide thirty (30) minute notice prior to interruption. Emergency conditions are deemed to exist at any time, in the sole judgment of the Company, that demands for electricity exceed or are expected to be likely to exceed the Company's available electric supply for whatever reason or reasons including, but not limited to, breakdown of generating units, distribution equipment or other critical facilities; short-term or long term shortages of fuel or generation, distribution, and other facilities; or requirements or orders of governmental agencies. The Company may not interrupt the Customer (1) due solely to differences in the Company's marginal cost of energy and the energy-related charges for Noticed Interruptible Power Service, or (2) to continue or make non-firm off-system sales.

An hour of interruption shall be any clock-hour or part thereof during which the Company invokes an intentional interruption. The number of hours of interruption remaining during the calendar year for the term of the contract shall be reduced by a minimum of four (4) hours for each interruption occasion, even though the actual interruption may last for a lesser period.

Interruptions will be directly controlled by the Company's system operator with the appropriate notice provided to the Customer.

NON-COMPLIANCE

Interruptible power service is provided to the Customer with the explicit knowledge and understanding that such service shall be subject to curtailment by the Customer with notice from the Company. Failure to comply with the Company's request to curtail shall result in the following adjustments to the Customer's billings and service.

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- 1) During a calendar year, the first occasion on which the Customer fails to comply with a request for curtailment shall result in the Customer being billed (or re-billed, if necessary) the entire month at the retail rates currently in effect and otherwise applicable to the Customer ("Retail Rate"); and
- 2) During the same calendar year, the second occasion on which the Customer fails to comply with a request for curtailment shall result in the Customer being re-billed at the Retail Rate for the period from January 1 of such calendar year through the end of the month in which such second failure occurred (less amounts previously remitted by the Customer for such period) with an additional five percent (5%) charge applied to the additional base portion of the recalculated monthly bills (less amounts previously remitted by Customer for such period); and
- 3) During the same calendar year, the third occasion on which the Customer fails to comply with a request for curtailment shall result in the immediate termination of service under the Noticed Interruptible Power Service rate, and the Customer will be served and billed for electric service for that entire month and thereafter at the Retail Rate. Additionally, the Customer will be re-billed at the Retail Rate for each month of such calendar year that was not previously billed or re-billed at the Retail Rate under this Non-Compliance section, with an additional five percent (5%) charge applied to the additional base portion of the recalculated monthly bills, less amounts previously remitted by the Customer for such period.

Upon the expiration of twelve (12) months following the date of the third failure to comply, the Customer may reapply for electric service at the Company's then-current interruptible rate. As a condition precedent to the reestablishment of electric service at the Company's then-current interruptible rate, the Customer must demonstrate to the Company's satisfaction its ability to comply with the Company's applicable rate schedule and the terms of the Company's then-current interruptible rate agreement.

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POWER FACTOR ADJUSTMENT

If the power factor at the time of the highest measured thirty (30) minute interval kW demand for the entire plant is below 90% lagging, a power factor adjustment shall be calculated as follows:

- ADJ = $((kW \times .95 / PF) - kW) \times DC$, where
- ADJ = Increase to applicable Demand Charge,
- kW = Monthly Measured Demand,
- PF = Monthly measured Power Factor, and
- DC = Demand Charge.

FIXED FUEL FACTOR

This rate schedule is subject to the provisions of the Company's Rate Schedule No. 98 (Fixed Fuel Factor).

MILITARY BASE DISCOUNT RECOVERY FACTOR

This rate schedule is subject to the provisions of the Company's Rate Schedule No. 96 (Military Base Discount Recovery Factor).

TERMS OF PAYMENT

The due date of the bill for utility service shall not be less than sixteen (16) days after issuance. A bill becomes delinquent if not received at the Company by the due date. If the due date falls on a holiday or weekend, the next Company business day shall apply.

TERMS AND CONDITIONS

Service supplied under this rate schedule is subject to the Company's Rules and Regulations on file with the Public Utility Commission of Texas and available for inspection at Company offices. Any contract provisions applicable to service shall also apply.

This rate schedule shall be binding upon the Company and the Customer for a period coterminous with the interconnection agreement; provided, however, that the Customer may terminate service provided under this rate schedule at any time during such term by providing the Company with written notice at least one (1) year prior to the effective date of such termination and the Company may terminate in accordance with regulatory

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regulations. Any change in this rate schedule approved by a regulatory authority with the requisite jurisdiction, shall become effective upon such approval and remain in force until the expiration of the term of this rate schedule or the termination by the Customer in accordance with the requirements herein contained, whichever event occurs first in time.

The service supplied hereunder is to be used exclusively within the premises of the Customer, as described in the Customer's application for service.

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