

Melanie Sandoval  
Bureau Chief – Records  
Public Regulation Commission  
1120 Paseo De Peralta  
PERA Building  
P.O. Box 1269  
Santa Fe, NM 87504

NEW MEXICO  
PUBLIC REGULATION  
COMMISSION  
FILED

2015 JUL 28 PM 4 51

July 27, 2015

15-00241-UT

Dear Ms. Sandoval,

Enclosed please find 6 copies each of my Protest, Verification, and Certificate of Service related to El Paso Electric Company's 2015 Integrated Resource Plan. Please file and distribute appropriately. Also, please return to me in the enclosed self addressed and stamped envelope, a copy of each document that has been time and date stamped.

Thank you.



Merrie Lee Soules  
6760 Bright View Rd  
Las Cruces, NM 88007  
(575) 635-2225  
mlsoules@hotmail.com

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

IN THE MATTER OF THE PROTEST TO EL )  
PASO ELECTRIC COMPANY'S 2015 )  
INTEGRATED RESOURCE PLAN )  
 )  
Merrie Lee Soules, Resident of Las Cruces, )  
New Mexico )  
Petitioner )

Case No. 15-00241-UT

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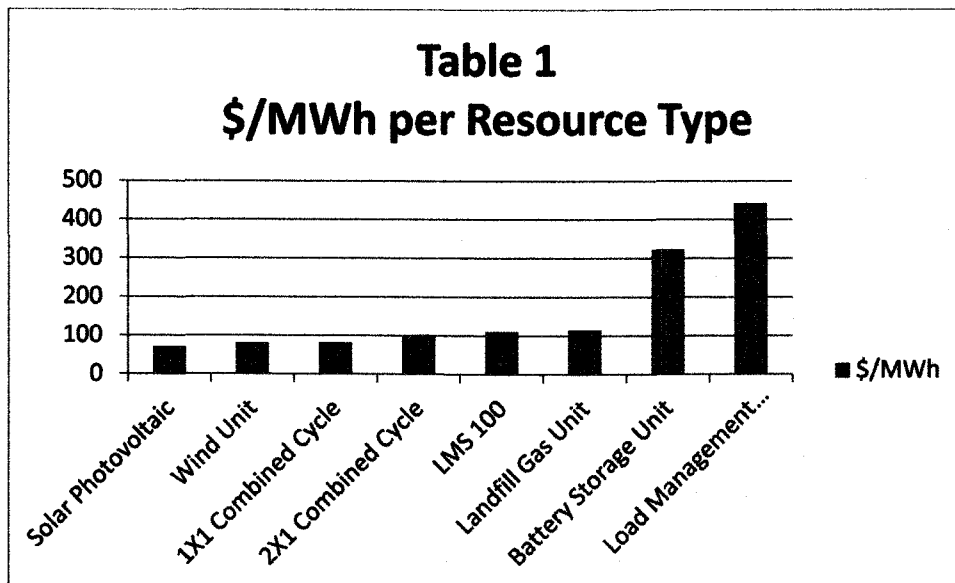
**MERRIE LEE SOULES, RESIDENT OF LAS CRUCES, NEW MEXICO, VERIFIED  
PROTEST OF EL PASO ELECTRIC COMPANY'S 2015 INTEGRATED RESOURCE PLAN**

Merrie Lee Soules, Resident of Las Cruces, New Mexico, pursuant to NMPRC Rule 17.7.3.12(A) NMAC protests El Paso Electric Company's (EPE's) 2015 Integrated Resource Plan (IRP) filed with the Commission on July 16, 2015. Merrie Lee Soules respectfully requests that pursuant to 17.7.3.12(A) NMAC, within 45 days of the filing of EPE's 2015 IRP, or by August 30, 2015, the Commission issue an order that clarifies that it does not accept EPE's 2015 IRP as compliant with the procedures and objectives of Rule 17.7.3.12 NMAC (the Rule). The requested order is required to prevent the Commission's acceptance of EPE's 2015 IRP as compliant with Rule 17.7.3 NMAC by operation of Section 12(A) of the rule. If deemed accepted, pursuant to Section 12(B) of the rule, EPE's 2015 IRP could be considered *prima facie* evidence that EPE's proposed resource types are required for the public convenience and necessity. As Case No. 15-00109-UT, related to the Abandonment and Sale of EPE's Seven Percent Four Corners Units 4 and 5 Ownership Interest, is pending before the Commission, acceptance of the 2015 IRP could be considered *prima facie* evidence that this abandonment and sale of a system resource is required by the public convenience and necessity. This effectively shifts EPE's burden of proof in this pending proceeding and arguably becomes *res judicata* on the issue of whether the abandonment and sale of the system resource in Case No. 15-00109-UT is required for the public convenience and necessity, thereby bootstrapping a Commission determination. Because this public interest issue is pending in another docket subject to full evidentiary proceedings, EPE's 2015 IRP is not

consistent with the planning objectives and procedures of Rule 17.7.3 NMAC and should not be accepted as compliant with the rule.

As further grounds for this protest, Merrie Lee Soules identifies the following Errors and Deficiencies in EPE's IRP:

- 1) EPE's plan is not "the most cost-effective resource portfolio" for New Mexico ratepayers as required by 17.7.3.6 NMAC. The "Levelized Cost of Electricity" values cited by EPE (Tables 17-26, IRP, pp 66-74) have solar and wind resources at the lowest cost level (See Table 1 below). However, EPE's proposed resource additions include only 7.2% (92MW) of these resources in the total of 1287MW of proposed new capacity (Table 28, p79).



- 2) EPE did not describe all of its existing resources as required by 17.7.3.9(A) NMAC. EPE's existing resources include Rio Grande 6 which is described as being in "inactive, reserve status."

(p 13). Pursuant to the Public Utility Act 62-9-5,

"No utility shall abandon all or any portion of its facilities subject to the jurisdiction of the commission, or any service rendered by means of such facilities, without first obtaining the permission and approval of the Commission. The commission shall grant

such permission and approval after notice and hearing, upon finding that the continuation of service is unwarranted or that the present and future public convenience and necessity do not otherwise require the continuation of the service or use of the facility.”

EPE has not asked the Commission for permission and approval to abandon this facility; therefore it must be part of EPE’s existing resources.

3) EPE did not “consider all feasible supply-side and demand-side resources” as required by 17.7.3(G)(1), NMAC.

A) Supply Side - EPE’s need for additional resources through the IRP planning period is driven primarily by unit retirements rather than growth in demand. Therefore, feasible supply-side resources include postponing the retirements of existing resources through acceptance of higher operating and maintenance costs or the expenditure of additional capital. At the very least, it is necessary to determine the Revenue Requirement impact by comparing new resources to prolonging the life of existing resources. EPE has done no such analysis in this IRP.

B) Demand Side - A participant in the Public Advisory Group (PAG) proposed a demand side option that EPE refused to model in the form it was proposed. The option appeared to have minimal financial impact to EPE or most ratepayers (unlike the Load Management represented in Table 25, p73, of which EPE refused to provide details). The suggested option did depend on a “Customer Choice” Time of Use (TOU) rate that provided adequate incentive for a customer to choose it and agree to curtailment if required. Participants in the PAG believed there was significant potential for reducing peak usage and shifting demand. The benefit of the suggested option would be to postpone requirements for additional capacity. It appears that EPE is determined to lock in conventional capacity additions before such a program has the chance to change the demand profile.

4) Pursuant to 17.7.3(G)(2) NMAC, the electric utility shall provide a summary of how the renewable energy portfolio requirements affected the development of the resource portfolios. EPE did not do this. In fact, EPE does not have a plan to satisfy the requirements of the Renewable

Energy Act, NMSA 62-16-4.A.(1)(d), which requires that “no later than January 1, 2020, renewable energy shall comprise no less than twenty percent of each public utility’s total retail sales to New Mexico customers.” The proposed IRP does not satisfy this requirement. At the very least, EPE should include its forecast as to the extent that its proposed resource portfolio complies, or doesn’t comply, with the Renewable Energy Act.

The importance of sound planning for the benefit of ratepayers and the public interest cannot be underestimated. Merrie Lee Soules respectfully requests that this Honorable Commission reject EPE’s 2015 IRP filing.

Respectfully submitted this 27th day of July, 2015.

Sincerely,



Merrie Lee Soules  
6760 Bright View Rd  
Las Cruces, NM 88007  
(575) 635-2225  
[mlsoules@hotmail.com](mailto:mlsoules@hotmail.com)

**VERIFICATION**

STATE OF NEW MEXICO                    )  
  )ss.  
COUNTY OF DONA ANA                    )

I, Merrie Lee Soules, Resident of Las Cruces, New Mexico, do hereby swear, depose, and state that the factual statements set forth in the foregoing Verified Protest of EPE's 2015 Integrated Resource Plan are true and correct to the best of my knowledge, information, and belief.

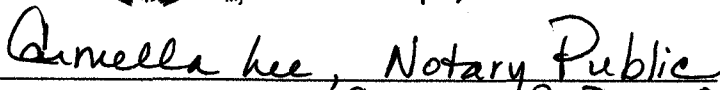
Signed this 27th day of July, 2015.

  
\_\_\_\_\_  
Merrie Lee Soules

Subscribed and sworn to before me this 27th day of July, 2015



OFFICIAL SEAL  
CARMELLA LEE  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My commission expires: 12/12/2017

  
\_\_\_\_\_  
Carmella Lee, Notary Public  
County of Dona Ana

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Case No. 15-00 241-UT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing *Verified Protest of EPE's 2015 Integrated Resource Plan* issued this 27<sup>th</sup> day of July, 2015, by Merrie Lee Soules, Resident of Las Cruces, New Mexico, was sent to the following as indicated below:

**By Email:**

Randall W. Childress, Esq.	<a href="mailto:randy@childresslaw.com">randy@childresslaw.com</a>
Mariah Medley	<a href="mailto:Mariah.medley@epelectric.com">Mariah.medley@epelectric.com</a>
Lorenzo Nieto	<a href="mailto:Lorenzo.nieto@epelectric.com">Lorenzo.nieto@epelectric.com</a>
Joan E. Drake	<a href="mailto:Jdrake@modrall.com">Jdrake@modrall.com</a>
Cholla Khoury	<a href="mailto:ckhoury@nmag.gov">ckhoury@nmag.gov</a>
Loretta Martinez	<a href="mailto:lmartinez@nmag.gov">lmartinez@nmag.gov</a>
Harry S. (Pete) Connelly	<a href="mailto:hconnelly@las-cruces.org">hconnelly@las-cruces.org</a>
Marcia Driggers	<a href="mailto:mdriggers@las-cruces.org">mdriggers@las-cruces.org</a>
Dan Niedlinger, P.E.	<a href="mailto:dneid@cox.net">dneid@cox.net</a>
Kyle J. Smith	<a href="mailto:Kyle.j.smith124.civ@mail.mil">Kyle.j.smith124.civ@mail.mil</a>
Steve Michel	<a href="mailto:smichel@westernresources.org">smichel@westernresources.org</a>
Elisha Tercero-Leyba	<a href="mailto:Elisha.leyba-tercero@state.nm.us">Elisha.leyba-tercero@state.nm.us</a>
Bruno Carrara	<a href="mailto:Bruno.carrara@state.nm.us">Bruno.carrara@state.nm.us</a>
Jim Cotton/Andrea Crane	<a href="mailto:ctcolumbia@aol.com">ctcolumbia@aol.com</a>
Charles Noble	<a href="mailto:noble.ccae@gmail.com">noble.ccae@gmail.com</a>
Noel John Schaefer	<a href="mailto:schaejno@gmail.com">schaejno@gmail.com</a>
Sandra Skogen-PRC	<a href="mailto:sandra.skogen@state.nm.us">sandra.skogen@state.nm.us</a>
Elizabeth C. Hurst	<a href="mailto:Elizabeth.hurst@state.nm.us">Elizabeth.hurst@state.nm.us</a>
Robert Ganton, Esq.	<a href="mailto:Robert.a.ganton.civ@mail.mil">Robert.a.ganton.civ@mail.mil</a>
Charles Gunter-PRC	<a href="mailto:Charles.gunter@state.nm.us">Charles.gunter@state.nm.us</a>
Judith Amer-PRC	<a href="mailto:Judith.amer@state.nm.us">Judith.amer@state.nm.us</a>
Lizbeth Ellis	<a href="mailto:lellis@nmsu.edu">lellis@nmsu.edu</a>
Glen Haubold	<a href="mailto:ghaubold@ad.nmsu.edu">ghaubold@ad.nmsu.edu</a>
Megan O'Reilly	<a href="mailto:arcresearchandanalysis@gmail.com">arcresearchandanalysis@gmail.com</a>

David Van Winkle  
Tom Soloman  
Don Hancock  
Nann M. Winter  
Tom Figart  
Dahl Harris  
Jack Sidler  
David Hinkson  
Doug Gegax  
Jason Marks  
Rocky Bacchus  
Allen Downs  
Robert Garza  
Kurt Wihl  
Anastasia Stevens  
William R. Babington  
Rick Gilliam

[david@vw77.com](mailto:david@vw77.com)  
[tasolomon6@gmail.com](mailto:tasolomon6@gmail.com)  
[sricdon@earthlink.net](mailto:sricdon@earthlink.net)  
[nwinter@stelznerlaw.com](mailto:nwinter@stelznerlaw.com)  
[tomf@donaanacounty.org](mailto:tomf@donaanacounty.org)  
[dahlharris@hotmail.com](mailto:dahlharris@hotmail.com)  
[jack.sidler@state.nm.us](mailto:jack.sidler@state.nm.us)  
[david.hinkson@epelectric.com](mailto:david.hinkson@epelectric.com)  
[dgegax@nmsu.edu](mailto:dgegax@nmsu.edu)  
[lawoffice@jasonmarks.com](mailto:lawoffice@jasonmarks.com)  
[rockybacchus@gmail.com](mailto:rockybacchus@gmail.com)  
[ecomax@lifeisgood2.com](mailto:ecomax@lifeisgood2.com)  
[rgarza@las-cruces.org](mailto:rgarza@las-cruces.org)  
[kw@keleher-law.com](mailto:kw@keleher-law.com)  
[ast@keleher-law.com](mailto:ast@keleher-law.com)  
[rbabington@law-cruces.org](mailto:rbabington@law-cruces.org)  
[rick@votesolar.org](mailto:rick@votesolar.org)

DATED this 27th day of July, 2015,



Merrie Lee Soules  
6760 Bright View Rd  
Las Cruces, NM 88007  
(575) 635-2225  
[mlsoules@hotmail.com](mailto:mlsoules@hotmail.com)