



Filing Receipt

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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF TEXAS-NEW MEXICO POWER COMPANY
FOR AUTHORITY TO CHANGE RATES**

**SOAH ORDER NO. 1
FILING DESCRIPTION; JURISDICTION AND EFFECTIVE DATE;
SUFFICIENCY OF APPLICATION AND NOTICE; ADOPTING
PROTECTIVE ORDER; SETTING PREHEARING CONFERENCE; AND
ADDRESSING GENERAL PROCEDURES**

I. FILING DESCRIPTION

On November 14, 2025, Texas-New Mexico Power Company (TNMP) filed an application (Application) with the Public Utility Commission of Texas (Commission) requesting authority to change rates. TNMP requests a net increase of approximately \$34 million per year to its current revenue requirement, based on a test year ending June 30, 2025, which reflects a 5% increase. TNMP asserts its requested increase is needed to provide it a reasonable opportunity to earn a

reasonable return on the investments made to maintain and improve its transmission and distribution systems since its last base-rate case, and to reflect proposed changes concerning its self-insurance reserve, discretionary service rates, and retail and wholesale tariffs. Additionally, TNMP seeks to recover Hurricane Beryl restoration costs, to be collected over five years with carrying charges, and rate-case expenses incurred in the current proceeding.

II. JURISDICTION AND EFFECTIVE DATE

On November 18, 2025, the Commission issued its Order of Referral, referring this matter to the State Office of Administrative Hearings (SOAH), requesting the assignment of a SOAH Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. The Commission will be filing a Preliminary Order, listing issues to be addressed in this proceeding.

The Commission has jurisdiction over this matter under Public Utility Regulatory Act (PURA)¹ §§ 14.001, 32.001, and 36.001. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this matter PURA § 14.053 and Texas Government Code § 2003.049.

TNMP proposed December 23, 2025, as the effective date for its requested rate increase. TNMP's proposed effective date is suspended for 150 days to allow sufficient time for a final determination of its application. **Accordingly, the suspended effective date for TNMP's requested rates is May 22, 2026.**

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.017.

III. SUFFICIENCY OF APPLICATION AND NOTICE

Commission staff (Staff) shall, and any other party may, file a recommendation on the sufficiency of TNMP's application no later than **December 5, 2025**. TNMP may respond to any such recommendation within five working days.

Any objection to TNMP's notice of its application must be filed by **December 5, 2025**.² TNMP may respond to any such objection within five working days.

IV. ADOPTING PROTECTIVE ORDER

TNMP requests entry of the Commission's standard protective order, located in Section VII of TNMP's Rate Filing Package. The proposed protective order is **ADOPTED**. Any objections to the form of the protective order must be filed **no later than five working days** after the date of this Order.

V. SETTING PREHEARING CONFERENCE

A prehearing conference will convene at **2:00 p.m. (CT)** on **December 10, 2025**, remotely via Zoom videoconference. The parties may attend the prehearing conference in one of these ways:

² 16 Tex. Admin. Code § 22.75(c)(1). If the ALJ has not issued a written order concluding that material deficiencies exist in TNMP's application within 35 days of the application being filed, the application shall be deemed sufficient. 16 Tex. Admin. Code § 22.75(c)(2)

<u>Join by computer or smart device:</u> Go to https://soah-texas.zoomgov.com and enter the following: Meeting ID: 161 400 6571 Passcode: PUC799	<u>Join by telephone (audio only):</u> Call +1 669 254 5252 and enter the following: Meeting ID: 161 400 6571 Passcode: 336098
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The purpose of the prehearing conference is to discuss the following matters:

1. Pending motions filed **by 12 p.m. (CT) on December 8, 2025;**
2. A procedural schedule;
3. Potential referral to mediation; and
4. Any other matter that may assist in the disposition of this proceeding in a fair and efficient manner.

In developing a proposed procedural schedule, the parties must anticipate a record close date³ that ensures that the ALJ has 60 days to issue the PFD. Additionally, the parties must endeavor to provide the Commission with enough time for two dates for open meetings to discuss the PFD, and seven calendar days after the last open meeting to issue an order. This can usually be achieved by allowing the Commission five weeks before the effective date to issue an order.

If, no later than **12 p.m. (CT) on December 8, 2025**, TNMP files an agreed procedural schedule that complies with this Order on behalf of all parties and persons/entities with pending motions to intervene, TNMP may file an agreed motion to cancel the prehearing conference. **The proposed procedural schedule**

³ The record close date is the date the parties' final post-hearing briefs or proposed findings of fact, conclusions of law, and proposed ordering provisions are due, whichever is later. 1 Tex. Admin. Code § 155.425(c).

must include three different dates in three different weeks for a hearing on the merits. The ALJ will rule on such motion after reviewing the proposed schedule.

VI. PROCEDURES

All Commission filings are available for viewing and downloading from the Commission's Interchange available at <http://interchange.puc.texas.gov/>, by entering the " control number" (i.e., docket number) of 58964 for this case and selecting the " search" tab. A list of documents filed in the docket will appear, which can be accessed by clicking on the document number (with a few exceptions such as confidential documents, if any). The Commission's procedural rules are available on the Commission's website.⁴ The procedural rules will govern the conduct of this proceeding, and the parties are expected to comply with those rules.

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant Tujuana Tate at tujuana.tate@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

Except as modified by orders issued in this proceeding by the Commission or SOAH, the Commission's procedural rules govern. The parties should review the Commission and SOAH websites as needed for updates regarding any such modifications.

⁴ The procedural rules are located at: <http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

A. FILING AND SERVICE

Filing of pleadings is governed by 16 Texas Administrative Code § (Rule) 22.71, and service is governed by Rule 22.74. However, the Commission is currently requiring that all parties file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered.⁵ It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange. Filings should not be made at SOAH. All filings must contain both the applicable SOAH and PUC docket numbers.

When a party files a document with the Commission, that party is also required to serve (i.e., provide a copy of that document to) every other party. At this time, service must be accomplished by e-mail. Any party to this proceeding who has not previously provided an e-mail address **SHALL** file a notice informing the parties of the e-mail address to be used for service no later than seven days after the date of this Order.

B. MOTIONS

Motions for continuance are governed by Rule 22.79. If a continuance or extension of time is sought, the motion shall propose a range of new dates and state

⁵ See *Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020), available at: http://interchange.puc.texas.gov/Documents/50664_205_1075813.PDF.

whether the other parties agree. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ a contested motion for continuance or extension is not granted and the existing schedule remains in place.

Unless otherwise specified in the Commission's procedural rules or an order issued in this case, any responses to a motion or other pleading shall be filed **within five working days** from receipt of the motion or pleading. If a party does not respond, the ALJ will assume that the party agrees with or does not oppose the requested relief.

C. DISCOVERY

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for in camera inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks *in camera* review of documents in accordance with Rule 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with

the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

Signed November 25, 2025



Rachelle Nicolette Robles
Administrative Law Judge