

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

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300 WEST 6TH STREET, 15TH FLOOR
AUSTIN, TEXAS 78701

August 14, 2008

VIA FEDERAL EXPRESS

Honorable John Cook
Mayor of the City of El Paso
City Clerk
2 Civic Center Plaza
El Paso, Texas 79901

**Re: Petition of El Paso Electric Company to Modify Mercury Vapor Lighting Tariffs,
Schedule No. 08 and Schedule No. 28, Pursuant to the Energy Policy Act of 2005**

Dear Mayor Cook:

Enclosed please find a copy of the Petition and supporting documents El Paso Electric Company ("EPE") has filed with the Public Utility Commission of Texas ("PUCT") for approval of language modifications to Schedule No. 08 - Governmental Street Lighting and Signal Service Rate, and Schedule No. 28 - Area Lighting Service Rate to comply with federal legislation. EPE respectfully requests that the City of El Paso consider the enclosed Petition for approval at the City Council's next scheduled meeting, and grant EPE the authority to apply its proposed language modifications to Schedule No. 08 and Schedule No. 28 for service inside the city limits of El Paso. Simultaneous with this request, EPE is filing similar applications for approval with the PUCT and the other Texas municipalities that retain jurisdiction over EPE's retail electric rates. A proposed resolution for adoption by your city council is attached hereto for your convenience.

Please acknowledge receipt of the Application by stamping the enclosed copy and returning it to the undersigned in the enclosed pre-paid, self-addressed envelope. If you have any questions relating to this filing, please call. Thank you for your attention to this matter.

RECEIVED
AUG 18 2008

**CITY OF EL PASO
CITY MANAGER'S OFFICE**

Yours truly,

Kate Norman

Kate Norman
ATTORNEY FOR EL PASO
ELECTRIC COMPANY

Enclosures

1. EPE's Application (+1 copy)
2. Rate Schedule No. 08 and Rate Schedule No. 28 (+1 copy)
3. Proposed Resolution
4. Self-addressed, pre-paid envelope

cc: Mr. Charles McNabb, City Attorney
2 Civic Center Plaza, El Paso, TX 79901

RECEIVED

AUG 15 2008

MAYOR'S OFFICE

RESOLUTION

WHEREAS, on July 12, 2005, the City Council of the City of El Paso approved a Rate Agreement with El Paso Electric Company dated July 5, 2005 establishing the electric utility rates within the City of El Paso through June 30, 2010;

WHEREAS, pursuant to the Rate Agreement and applicable law, the City of El Paso maintains original jurisdiction over rates of El Paso Electric Company for rates charged within the City limits of the City of El Paso;

WHEREAS, on August 14, 2008, El Paso Electric Company ("EPE" or the "Company"), filed with the City of El Paso its Petition for Approval of Language Modifications to Schedule No. 08 – Governmental Street Lighting and Signal Service Rate and Schedule No. 28 – Area Lighting Service Rate ("Petition");

WHEREAS, EPE's Petition requests that EPE be permitted to apply its proposed language modifications pursuant to the requirements by the energy conservation standards that the U.S. Congress prescribed in the Energy Policy Act of 2005 ("EPACT 2005") for service inside the city limits of the City of El Paso. EPACT 2005 specifies that mercury vapor lamp ballasts shall not be manufactured or imported after January 1, 2008; and

WHEREAS, the City of El Paso, after having considered the Company's Petition, is of the opinion that the Petition should be approved and that the proposed language changes to the tariffs will benefit those customers within the City of El Paso who qualify for service under the tariffs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT El Paso Electric Company's Language Modifications To Schedule No. 08 – Governmental Street Lighting And Signal Service Rate And Schedule No. 28 – Area Lighting Service Rate, attached hereto as Exhibit A, are hereby approved.

ADOPTED by the CITY OF EL PASO, TEXAS, this ____ day of August, 2009.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:

Liza Ramirez-Tobias
Capital Assets Manager, Financial Services

Exhibit A

Schedule 8

EL PASO ELECTRIC COMPANY

SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

APPLICABILITY

Cities of El Paso and Socorro, Towns of Anthony, Clint, Horizon and Van Horn, Village of Vinton and Counties of Culberson, El Paso and Hudspeth, State of Texas and Federal facilities for Mercury Vapor and High Pressure Sodium Vapor street lights, freeway lighting and for traffic signal lights.

TERRITORY

Texas Towns, Counties and Cities

RATE

Street Lights

MERCURY VAPOR - OVERHEAD SYSTEM - COMPANY OWNED
30 FOOT MOUNTING HEIGHT - WOOD POLE *

(T)

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>		
7,000 Lumen Single	195	\$ 13.50	each per month *	(T)
11,000 Lumen Single	275	\$ 16.11	each per month *	
11,000 Lumen Double	550	\$ 25.01	each per month *	
20,000 Lumen Single	460	\$ 19.22	each per month *	
20,000 Lumen Double	920	\$ 31.23	each per month *	

* Refer to Mercury Vapor Closure to New Installations and Conversion/Replacement of Existing Installations Section of the tariff. (N)

(D)

EL PASO ELECTRIC COMPANY
SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

HIGH PRESSURE SODIUM VAPOR - DOWNTOWN EL PASO AREA - COMPANY OWNED 30 FOOT MOUNTING HEIGHT - STEEL POLE - ORNAMENTAL LUMINAIRE

	<u>Wattage</u>	<u>Lamp Charge</u>	
119,500 Lumen Overhead System	1,102	\$ 48.48	each per month
119,500 Lumen Underground System	1,102	\$ 79.21	each per month

HIGH PRESSURE SODIUM VAPOR - DOWNTOWN EL PASO AREA - COMPANY OWNED 30 FOOT MOUNTING HEIGHT - STEEL POLE

	<u>Wattage</u>	<u>Lamp Charge</u>	
45,000 Lumen Overhead System	485	\$ 47.87	each per month

MERCURY VAPOR - OVERHEAD SYSTEM - COMPANY OWNED 30 FOOT MOUNTING HEIGHT - STEEL POLE *

(T)

	<u>Wattage</u>	<u>Lamp Charge</u>		
20,000 Lumen Single	460	\$ 29.69	each per month *	(T)
20,000 Lumen Double	920	\$ 41.70	each per month *	(T)

* Refer to Mercury Vapor Closure to New Installations and Conversion/Replacement of Existing Installations section of the tariff.

(N)

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EL PASO ELECTRIC COMPANY
SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

MERCURY VAPOR - NON-COMPANY OWNED SYSTEMS * (T)

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>		
11,000 Lumen - Wall Mounted	292	\$ 7.79	each per month *	(T)
20,000 Lumen - 40 Foot Maximum Mounting Height	450	\$ 10.72	each per month *	(T)
60,000 Lumen - 50 Foot Maximum Mounting Height	1,102	\$ 28.10	each per month *	(T)

* Refer to Mercury Vapor Closure to New Installations and Conversion/Replacement of Existing Installations Section of the tariff. (N)

MERCURY VAPOR - NON-COMPANY OWNED - WOOD POLE
UNDERGROUND RESIDENTIAL SERVICE * (T)

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>		
7,000 Lumen - 30 Foot Maximum Mounting Height	195	\$ 5.89	each per month *	(T)

* Refer to Mercury Vapor Closure to New Installations and Conversion/Replacement of Existing Installations Section of the tariff. (N)

(D)

EL PASO ELECTRIC COMPANY
SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

HIGH PRESSURE SODIUM VAPOR - NON-COMPANY OWNED SYSTEMS

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>	
16,000 Lumen - Wall Mounted	193	\$ 6.21	each per month
23,200 Lumen - Wall Mounted	313	\$ 8.36	each per month
23,200 Lumen - 40 Foot Maximum Mounting Height	313	\$ 8.36	each per month
45,000 Lumen - 50 Foot Maximum Mounting Height	485	\$ 11.49	each per month
45,000 Lumen - Tower Structure 150 Foot Maximum Mounting Height 10 Luminaires per Tower Rate per fixture	485	\$ 12.13	each per month

HIGH PRESSURE SODIUM VAPOR - NON-COMPANY OWNED
OPERATED AND MAINTAINED

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>	
45,000 Lumen	485	\$ 11.84	each per month

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EL PASO ELECTRIC COMPANY

SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

HIGH PRESSURE SODIUM VAPOR - NON-COMPANY OWNED - RESIDENTIAL
SERVICE
STANDARD POLE - STANDARD FIXTURE

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>	
8,500 Lumen - 30 Foot Maximum Mounting Height	124	\$ 4.91	each per month
14,400 Lumen - 30 Foot Maximum Mounting Height	193	\$ 6.21	each per month
23,200 Lumen - 30 Foot Maximum Mounting Height	313	\$ 8.36	each per month

HIGH PRESSURE SODIUM VAPOR - OVERHEAD - NON-COMPANY OWNED
STANDARD FIXTURE - COMPANY OWNED EXISTING WOOD POLE

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>	
8,500 Lumen - 30 Foot Maximum Mounting Height	124	\$ 6.58	each per month
14,400 Lumen - 30 Foot Maximum Mounting Height	193	\$ 7.88	each per month
23,200 Lumen - 30 Foot Maximum Mounting Height	313	\$ 10.03	each per month
23,200 Lumen Double - 30 Foot Maximum Mounting Height	626	\$ 16.46	each per month
45,000 Lumen - 50 Foot Maximum Mounting Height	485	\$ 13.16	each per month

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OVERHEAD SYSTEM - HIGH PRESSURE SODIUM VAPOR
COMPANY OWNED - WOOD POLE

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>	
8,500 Lumen - 30 Foot Mounting Height	124	\$ 13.36	each per month
14,400 Lumen - 30 Foot Mounting Height	193	\$ 14.48	each per month
23,200 Lumen - 30 Foot Mounting Height	313	\$ 17.03	each per month
45,000 Lumen - 50 Foot Maximum Mounting Height	485	\$ 23.98	each per month
Obstruction Lights Incandescent 40 Foot Maximum Mounting Height	116	\$ 3.92	each per month
150 Foot Tower	116	\$ 4.72	each per month

ORNAMENTAL HIGH PRESSURE SODIUM VAPOR -
NON-COMPANY OWNED, OPERATED AND MAINTAINED

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>	
14,400 Lumen	325	\$ 5.87	each per month
5,300 Lumen	82	\$ 1.48	each per month
14,400 Lumen	150	\$ 2.70	each per month
16,000 Lumen	193	\$ 3.49	each per month

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AND SIGNAL SERVICE RATE

STATE OF TEXAS LIGHTING
NON-COMPANY OWNED, OPERATED AND MAINTAINED

	<u>Wattage</u>	<u>Lamp</u> <u>Charge</u>	
State of Texas Lighting	100	\$ 1.81	each per month
State of Texas Lighting	250	\$ 4.51	each per month

RATE

Traffic Signal Lights

INCANDESCENT TRAFFIC SIGNALS (MONTHLY RATE PER UNIT)

<u>TYPE OF UNIT</u>	<u>TYPE AND HOURS</u> <u>OF OPERATION</u>	<u>WATTAGE OF</u> <u>INCANDESCENT</u> <u>LAMP</u>	<u>MONTHLY</u> <u>RATE</u>
3 Lamp Head	24 Hours	61	\$ 1.10
4 Lamp Head	24 Hours	61	\$ 1.10
3 Lamp Head	24 Hours	103	\$ 1.86
3 Lamp Head	18 Hours Normal, 6 Hours Flashing	103	\$ 1.86
5 Lamp Head	24 Hours	133	\$ 2.41
4 Lamp Head	18 Hours Normal, 6 Hours Flashing	103	\$ 1.86
3 Lamp Head	24 Hours	133	\$ 2.41
3 Lamp Head	18 Hours Normal, 6 Hours Flashing	133	\$ 2.41

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<u>TYPE OF UNIT</u>	<u>TYPE AND HOURS OF OPERATION</u>	<u>WATTAGE OF INCANDESCENT LAMP</u>	<u>MONTHLY RATE</u>
4 Lamp Head	24 Hours	133	\$ 2.41
4 Lamp Head	18 Hours Normal, 6 Hours Flashing	133	\$ 2.41
2 Unit Walk Light	24 Hours	61	\$ 1.10
2 Unit Walk Light	24 Hours	103	\$ 1.86
2 Unit Walk Light	18 Hours Normal, 6 Hours Flashing	103	\$ 1.86
1 Unit Flashing	24 Hours	103	\$ 1.86
1 Unit Flashing	24 Hours	133	\$ 2.41
2 Unit Flashing	24 Hours	103	\$ 1.86
2 Unit School Flashers	351 Annual Burning Hours	103	\$ 1.86
2 Unit School Flashers	790 Annual Burning Hours	133	\$ 2.41
30 Watt Controller	24 Hours	30	\$.54

LIGHT-EMITTING DIODE ("LED") TRAFFIC SIGNALS
(MONTHLY RATE PER UNIT)

<u>TYPE OF UNIT</u>	<u>TYPE AND HOURS OF OPERATION</u>	<u>WATTAGE OF HIGH-EFFICIENCY LED LAMP</u>	<u>MONTHLY RATE</u>
3 Lamp Head	18 Hours Normal, 6 Hours Flashing	14	\$ 0.30
5 Lamp Head	24 Hours	14	\$ 0.62
4 Lamp Head	18 Hours Normal,		

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GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

LIGHT-EMITTING DIODE ("LED") TRAFFIC SIGNALS
(MONTHLY RATE PER UNIT)

<u>TYPE OF UNIT</u>	<u>TYPE AND HOURS OF OPERATION</u>	<u>WATTAGE OF HIGH-EFFICIENCY LED LAMP</u>	<u>MONTHLY RATE</u>
	6 Hours Flashing	14	\$ 0.61
3 Lamp Head	24 Hours	14	\$ 0.31
3 Lamp Head	18 Hours Normal, 6 Hours Flashing	14	\$ 0.30
4 Lamp Head	24 Hours	14	\$ 0.62
4 Lamp Head	18 Hours Normal, 6 Hours Flashing	14	\$ 0.61
2 Unit Walk Light	24 Hours	9	\$ 0.20
2 Unit Walk Light	18 Hours Normal, 6 Hours Flashing	9	\$ 0.20
1 Unit Flashing	24 Hours	14	\$ 0.16
2 Unit Flashing	24 Hours	14	\$ 0.31
2 Unit School Flashers	351 Annual Burning Hours	14	\$ 0.25
2 Unit School Flashers	790 Annual Burning Hours	14	\$ 0.25
4 Unit School Flashers	351 Annual Burning Hours	14	\$ 0.50
4 Unit School Flashers	790 Annual Burning Hours	14	\$ 0.51

MONTHLY RATE PER UNIT

Street lights and traffic signal lights that do not operate under any of the preceding conditions will be billed under the rate with the closest operating conditions.

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EL PASO ELECTRIC COMPANY

SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

MERCURY VAPOR CLOSURE TO NEW INSTALLATIONS AND
CONVERSION/REPLACEMENT OF EXISTING INSTALLATIONS

(N)

Mercury Vapor lamp categories are closed to new installations. The Company will continue to maintain existing Mercury Vapor installations and will, at the Company's option, install High Pressure Sodium Vapor ballasts in place of defective non-repairable Mercury Vapor ballasts. Customers with existing fixtures which are defective and must be replaced will have the option to convert its service to high pressure sodium vapor lamp or may cancel service at no cost.

Mercury Vapor Fixture Replacement Schedule

For Company owned lights, when existing mercury vapor fixtures require replacement, the Company will make such replacements with comparable high pressure sodium vapor lighting at no cost, as specified below:

Mercury Vapor – Overhead System – Company Owned, 30 Foot Mounting Height – Wood Pole

Existing Mercury Vapor Lighting:			High Pressure Sodium Vapor Replacement:		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
195	7,000	70	124	8,500	44
275	11,000	98	193	14,400	69
460	20,000	164	313	23,200	112
920	20,000D	328	313*	23,200	112

*D=Double -- Mercury Vapor with double lamps on a single pole will be converted to two separate poles with single High Pressure Sodium Vapor lamp.

Mercury Vapor–Overhead System–Company Owned, 30 Foot Mounting Height–Steel Pole

Existing Mercury Vapor Lighting:			High Pressure Sodium Vapor Replacement:		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
460	20,000	164	313	23,200	112
920	20,000D	328	313*	23,200	112

For Non-Company owned lights, upon the request of the Customer, the Company will convert or replace facilities with the high pressure sodium vapor lighting options listed below, at an amount equal to all applicable costs of such conversion or replacement.

(N)

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EL PASO ELECTRIC COMPANY

SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

Mercury Vapor – Non-Company Owned Systems

Existing Mercury Vapor Lighting:			High Pressure Sodium Vapor Replacement:		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
292	11,000	104	193	16,000	69
450	20,000	160	313	23,200	112
1102	60,000	393	485	45,000	173

Mercury Vapor – Non-Company Owned - Wood Pole, Underground Residential Service

Existing Mercury Vapor Lighting:			High Pressure Sodium Vapor Replacement:		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
195	7,000	70	124	8,500	44

At the time of the replacement, the Customer will be billed at the applicable rate charge and associated kWh usage for the high pressure sodium vapor replacement lighting.

Mercury Vapor Fixture Conversion Or Replacement Of Existing Facilities

Upon the request of the Customer, the Company will convert or replace existing Company owned mercury vapor lighting to applicable company offered street lighting options other than those indicated above.

Upon the request of and payment by the Customer, the Company will convert existing Company owned facilities (size or type of luminaire) to a different applicable Company offered size or type of luminaire at an amount equal to all applicable costs less the salvage value of the existing facilities.

Upon the request of and payment by the Customer, the Company will replace existing Company owned lighting facilities at an amount equal to all applicable costs less the salvage value of the existing facilities. Installation of new facilities requested by the Customer will be performed pursuant to the applicable Schedule and lamp category described above.

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EL PASO ELECTRIC COMPANY
SCHEDULE NO. 08
GOVERNMENTAL STREET LIGHTING
AND SIGNAL SERVICE RATE

FIXED FUEL FACTOR

The above rates are subject to the provisions of Company's Tariff Schedule No. 98 entitled Fixed Fuel 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.

TERMS AND CONDITIONS

The Company Rules and Regulations apply to service under this schedule. Specific terms are as covered in various written agreements.

Exhibit A

Schedule 28

EL PASO ELECTRIC COMPANY

SCHEDULE NO. 28
AREA LIGHTING SERVICE RATE

APPLICABILITY

All customers who desire overhead outdoor lighting service under the conditions specified herein.

TERRITORY

Texas Service Area

MONTHLY RATE

<u>Standard Service:</u>		<u>Wattage</u>	<u>Single Fixture Charge per Each Per Month</u>	
7,000 Lumen	Mercury Vapor Lamp - *	195	\$12.79	(T)
11,000 Lumen	Mercury Vapor Lamp - *	275	\$14.29	(T)
20,000 Lumen	Mercury Vapor Lamp - *	460	\$17.49	(T)
8,500 Lumen	High Pressure Sodium Vapor -	124	\$12.54	
23,200 Lumen	High Pressure Sodium Vapor -	313	\$15.71	

* Refer to Mercury Vapor Closure to New Installations and Conversion/Replacement of Existing Installations section of the tariff.

(N)

Floodlight Service:

Existing Pole

9,500 Lumen	High Pressure Sodium Vapor	137	\$ 8.19
27,500 Lumen	High Pressure Sodium Vapor	312	\$11.31
50,000 Lumen	High Pressure Sodium Vapor	485	\$14.32
119,500 Lumen	High Pressure Sodium Vapor	1,103	\$29.74

With Company Supplied 30' Pole

9,500 Lumen	High Pressure Sodium Vapor	137	\$11.70
27,500 Lumen	High Pressure Sodium Vapor	312	\$14.82
50,000 Lumen	High Pressure Sodium Vapor	485	\$17.83

With Company Supplied Wood Pole – HPSV

119,500 Lumen	HPSV -- 35-Foot Pole	1,103	\$39.92
119,500 Lumen	HPSV -- 45-Foot Pole	1,103	\$41.21

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EL PASO ELECTRIC COMPANY

SCHEDULE NO. 28
AREA LIGHTING SERVICE RATE

Metal Halide:

With Company Supplied Wood Pole

50,000 Lumen	Metal Halide 35-Foot Pole	476	\$28.11
119,500 Lumen	Metal Halide 35-Foot Pole	1,100	\$41.55
119,500 Lumen	Metal Halide 45-Foot Pole	1,100	\$42.84

Existing Pole

50,000 Lumen	Metal Halide	476	\$17.93
119,500 Lumen	Metal Halide	1,100	\$31.37

TYPE OF SERVICE

Outdoor all night lighting service contracted for by customer for overhead service, automatically controlled, existing standard mercury vapor (refer to Mercury Vapor Closure to New Installations and Conversion/Replacement of Existing Installations section of the tariff) and high pressure sodium vapor, and metal halide luminaire units mounted on Company-owned wood poles.

(T)

FACILITIES PROVIDED

The Company will install a 30-foot wood pole, luminaire and necessary equipment and extend overhead secondary wiring up to 125 feet where necessary. The Company will own, operate and maintain the installation. Facilities necessary to provide lighting in addition to above will be paid for by customer. All facilities installed by the Company will remain the property of the Company. The Company has the option to not install poles and/or luminaires in areas inaccessible to the Company trucks.

MERCURY VAPOR CLOSURE TO NEW INSTALLATIONS AND CONVERSION/REPLACEMENT OF EXISTING INSTALLATIONS:

(N)

Mercury Vapor lamp categories are closed to new installations. The Company will continue to maintain existing Mercury Vapor installations and will, at the Company's option, install High Pressure Sodium Vapor ballasts in place of defective non-repairable Mercury Vapor ballasts. Customers with existing fixtures which are defective and must be replaced, will have the option to convert its service to high pressure sodium vapor lamp or may cancel service at no cost.

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EL PASO ELECTRIC COMPANY

SCHEDULE NO. 28
AREA LIGHTING SERVICE RATE

Mercury Vapor Fixture Replacement Schedule

(N)

For Company owned lights, when existing mercury vapor fixtures require replacement, the Company will make such replacements with comparable high pressure sodium vapor lighting at no cost, as specified below:

Existing Mercury Vapor Lighting:			High Pressure Sodium Vapor Replacement:		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
195	7,000	70	124	8,500	44
275	11,000	98	313	23,200	112
460	20,000	164	313	23,200	112

At the time of the replacement, the Customer will be billed at the applicable rate charge and associated kWh usage for the high pressure sodium vapor replacement lighting.

Mercury Vapor Fixture Conversion Or Replacement Of Existing Facilities

Upon the request of the Customer, the Company will convert or replace existing Company owned mercury vapor lighting to applicable Company offered street lighting options other than those indicated above.

Upon the request of and payment by the Customer, the Company will convert existing Company owned facilities (size or type of luminaire) to a different applicable Company offered size or type of luminaire at an amount equal to all applicable costs less the salvage value of the existing facilities.

Upon the request of and payment by the Customer, the Company will replace existing Company owned lighting facilities at an amount equal to all applicable costs less the salvage value of the existing facilities. Installation of new facilities requested by the Customer will be performed pursuant to the applicable Schedule and lamp category described above.

EL PASO ELECTRIC COMPANY

SCHEDULE NO. 28
AREA LIGHTING SERVICE RATE

FIXED FUEL FACTOR

The above rates are subject to the provisions of Company's Tariff Schedule No. 98 entitled Fixed Fuel 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.

TERMS AND CONDITIONS

The Company's Rules and Regulations apply to service under this schedule. The initial Term of Contract for service under this schedule shall be not less than two (2) years. The Company reserves the right to remove all equipment furnished under this schedule, after issuance of disconnect notice, and void the contract if in the opinion of the Company, there is excessive breakage or vandalization of its facilities.