



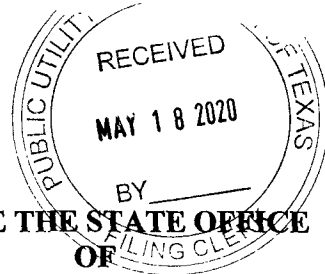
Control Number: 50095



Item Number: 27

Addendum StartPage: 0

**SOAH DOCKET NO. 473-20-1773  
PUC DOCKET NO. 50095**



**COMPLAINTS OF TERRY AND SARA § BEFORE THE STATE OFFICE  
FAUBION AGAINST TEXAS-NEW § OF  
MEXICO POWER COMPANY § ADMINISTRATIVE HEARINGS**

**TERRY AND SARA FAUBION'S RESPONSES TO  
TEXAS-NEW MEXICO POWER COMPANY'S  
FIRST REQUESTS FOR INFORMATION**

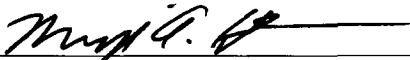
COMES NOW Terry and Sara Faubion ("the Faubions") and submit these Supplemental Responses to Texas-New Mexico Power Company's First Requests for Information ("RFIs").

**WRITTEN RESPONSES**

Attached hereto and incorporated herein by reference are the Faubions' supplement to written responses originally filed on February 28, 2020. Such responses are made in the spirit of cooperation without waiving the Faubions' right to contest the admissibility of any such matters upon hearing. The Faubions hereby stipulate that these responses may be treated by all parties as if they were filed under oath.

Respectfully Submitted,

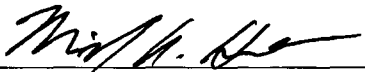
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By:   
Miguel A. Huerta  
State Bar No. 00787733

**ATTORNEYS FOR TERRY AND SARA FAUBION**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of May 2020 a true and correct copy of the above and foregoing document is being served via electronic mail, facsimile, U.S. mail and/or hand delivery to all parties of record.

  
\_\_\_\_\_  
Miguel A. Huerta

**TNMP RFI No. 1-2:**

Please identify each Public Utility Commission rule or regulation the Faubions allege TNMP violated or failed to comply with, and specifically describe how the Faubions allege TNMP violated or failed to comply with it.

**Original Response:**

16 Tex. Admin. Code § 25.51(a), regarding voltage levels. 16 Tex. Admin. Code § 25.5(56), regarding good utility practices.

**Supplemental Response:**

In addition to the Public Utility Commission regulations named in its original response, the Faubions also allege TNMP violated or failed to comply with 16 Tex. Admin. Code § 25.52(d), which requires a utility to retain records of interruptions for five years based on TNMP's response to discovery in the District Court proceeding.

Witness: Danny Wells  
Prepared by: Miguel Huerta and David Dumas

**TNMP RFI No. 1-17:**

Do the Faubions contend that a bird making contact with TNMP's facilities is an incident that is within TNMP's control and could be reasonably anticipated and prevented through the use of reasonable measures? If so, specifically describe the basis for such contention, and what actions the Faubions allege TNMP could have taken.

**Response:**

The Faubions do not contend that a bird making contact with TNMP's facilities is an incident that is within TNMP's control but do contend that such an event could be reasonably anticipated and prevented or mitigated using reasonable measures. The Faubions do not agree with the premise that the alleged bird contact caused the incident on September 12, 2015, but rather, believe that the incident was a result of a lack of inspections and maintenance on the TNMP line.

**Supplemental Response:**

In addition, the Faubions contend that TNMP failed to make reasonable provision to supply steady and continuous Delivery Service by not designing its facilities with a greater separation between energized wires or installing "bird guards" or proper insulation where energized parts were closer together.

Witness: Danny Wells  
Prepared by: Miguel Huerta and David Dumas

**TNMP RFI No. 1-18:**

Do the Faubions contend TNMP's tariff § 5.2.4 applies to the power surge at their home on September 12, 2015? If no, specifically describe the basis for such contention.

**Response:**

The Faubions do not agree that TNMP's tariff § 5.2.4 applies to the power surge at their home on September 12, 2015. The provisions of TNMP's tariff § 5.2.4 apply to events and incidents out of TNMP's control. The Faubion do not agree with the premise that the alleged bird contact caused the incident on September 12, 2015, but rather, believe that the incident was a result of a lack of inspections and maintenance on the TNMP line which is within TNMP's control.

**Supplemental Response:**

In addition, the Faubions contend that TNMP failed to make reasonable provision to supply steady and continuous Delivery Service by not designing its facilities with a greater separation between energized wires or installing "bird guards" or proper insulation where energized parts were closer together.

Witness: Danny Wells  
Prepared by: Miguel Huerta and David Dumas

**TNMP RFI No. 1-27:**

Do the Faubions contend that TNMP failed to make reasonable provision to supply steady and continuous Delivery Service (as such terms are defined by TNMP's tariff) consistent with the Faubions' class of service? If the answer is anything other than no, specifically describe what actions or inactions TNMP took (or did not take) that failed to make reasonable provisions.

**Original Response:**

The Faubions contend that TNMP failed to make reasonable provision to supply steady and continuous Delivery Service by not engaging in periodic inspections and maintenance of the TNMP infrastructure necessary to provide steady and continuous Delivery Service.

**Supplemental Response:**

In addition, the Faubions contend that TNMP failed to make reasonable provision to supply steady and continuous Delivery Service by not designing its facilities with a greater separation between energized wires or installing "bird guards" or proper insulation where energized parts were closer together.

Witness: Danny Wells  
Prepared by: Miguel Huerta and David Dumas