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Item Number: 103

Addendum StartPage: 0

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COMPLAINT OF PETTY GROUP, LLP
AGAINST RIO GRANDE ELECTRIC
COOPERATIVE, INC.

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BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**ERRATA TO DIRECT TESTIMONIES OF KYLE HALEY
AND GILBERT MARQUEZ JR.**

Petty Group, LLP files the attached errata to the Direct Testimony of Kyle Haley and the Direct Testimony of Gilbert Marquez Jr., each filed with the Commission on April 3, 2020, to reflect additional damage to Petty's equipment that was revealed through deposition testimony. The errata reflect changes to the testimony of Mr. Marquez, as shown in the redlined pages attached hereto as Exhibit A, and to the testimony of Mr. Haley and to Confidential Exhibit KH-10, as shown in the redlined pages attached hereto as Exhibit B.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document has been served on all parties of record on May 1, 2020 by electronic mail.

/s/ Meghan Griffiths
Meghan Griffiths

Exhibit A

residence and it was functioning as intended, the other AC system would then stop working. In addition, we had to replace a condenser fan motor and blower fan motor on one of the new AC units after those components failed in February 2019, shortly after their initial installation in late 2018.

Q. WHAT DID YOU DO TO DIAGNOSE THE CAUSE OF THE PROBLEM?

A. We reset the AC systems many times over several days. We went back over our installations to check the wiring and troubleshoot all of the components but we could not find anything that might be causing the problems. After a second new residence was hooked up to utility power supply, it displayed the same issues. We had never experienced anything like this, and reached out to the electrician that was working on the new residences, Nathan Morgan with MC Electric, to see if he had any insight.

Q. WHAT DID YOU LEARN FROM MR. MORGAN?

A. Mr. Morgan told us he was having problems getting the LED lighting fixtures to work in the new residences and could not identify the cause of the problem. He suggested that we hook the residences up to a generator to see if that would make any difference.

Q. WHY WOULD CONNECTING THE RESIDENCES TO A GENERATOR HELP?

A. I am not an electrician but my understanding from working with AC systems is that if the electric power supply to the AC unit does not meet certain quality standards, for example if there is too much harmonic distortion in the power flow, that power can damage the AC unit or cause it to malfunction. Connecting the residences to a generator would help determine whether the power source was causing the problems we saw in the Petty AC systems.

Q. DID MC ELECTRIC SWITCH THE RESIDENCES FROM UTILITY POWER TO GENERATOR POWER AFTER YOUR DISCUSSION WITH MR. MORGAN?

A. Yes, they did.

Exhibit B

Q. PLEASE DESCRIBE THE EQUIPMENT PROBLEMS AT THE HUNTING LODGE.

A. A description of the equipment problems Petty experienced at the hunting lodge and the casitas is attached as Exhibit KH-10. Petty had to repair and replace various pieces of new electrical equipment, including ice makers, AC units, and a walk-in freezer. Petty had to repair the hunting lodge AC units three times from the time period June 7, 2016 to December 6, 2018. Additionally, the AC split unit in a small cookhouse quarters also failed in early 2019 before the Petty Ranch was disconnected from the grid in March 2019. As discussed in the direct testimony of Gilbert Marquez, Jr., when Petty called Maverick Heat & Cool, Inc. (“Maverick”) to repair the split unit in April 2019, the unit displayed error codes that showed the breakdown was the result of the harmonics.¹⁷ Maverick advised to replace the unit, and the unit was ultimately replaced in October 2019.

Q. DID PETTY REALIZE THE EQUIPMENT FAILURES WERE CAUSED BY DIRTY POWER?

A. Not at first. Petty did not suspect poor power quality from RGEC as being the culprit for the equipment failures until early 2019 when its electrician, Nathan Morgan, observed power quality impairments prevented brand new LED lights at its newly-constructed residences from working. As discussed by Mr. Morgan, newly-installed LED lights worked when run on generator power, but they failed when connected to RGEC’s distribution system. Mr. Morgan’s direct testimony describes his observations and initial power quality testing.

Around the same time, Petty discovered that ~~the~~ a new AC ~~units~~ unit in one residence ~~would not work. The~~ had stopped functioning, and the AC contractor for the

¹⁷ Direct Testimony of Gilbert Marquez, Jr. at 3.

~~residence initially replaced the AC unit under warranty. However, when the same problem arose, Petty was told the replacement would not be within warranty since the problems occurring were not a result of the unit malfunctioning~~had to replace some of its internal components. As I stated previously, Petty's AC repairman Gilbert Marquez, Jr. had also observed that the AC split at the small cookhouse quarters was issuing an error code that specified harmonics problems. Issues related to the AC units are discussed in more detail in the direct testimony of Mr. Marquez.¹⁸ Based on reports from Mr. Morgan and Mr. Marquez, Petty realized that poor power quality was the culprit for the past AC unit breakdowns at the hunting lodge. Due to these instances, the decision was made to contact RGEC to start working towards resolution and all new AC units were taken offline so that they could be protected from the power quality on RGEC's system.

Q. OVER WHAT TIME PERIOD DID PETTY BUILD THE RESIDENCES?

A. In August 2017, Petty contracted MC Builders to build the four new residences at the Petty Ranch. The residences were constructed over the time period 2017 to 2019, and the first residence was fully completed around May 2019. The second and third residences were completed on or around June 2019, and the fourth residence was completed on or around July 2019. Prior to these dates, however, the residences were connected to RGEC's system and the initial power testing and ultimate harmonic issues were observed by Mr. Morgan as described in his testimony.

Q. DID PETTY WORK WITH THE COOPERATIVE TO CONNECT ELECTRIC SERVICE FOR THE RESIDENCES?

A. Yes. Petty went through the standard process with RGEC to obtain service for the residences. On June 18, 2018, Petty submitted an Application for Electric Services/Cooperative Membership Agreement for service to the residences. On August 9,

¹⁸ Direct Testimony of Gilbert Marquez, Jr. at 3.

ERRATA TO CONFIDENTIAL EXHIBIT KH-10 SUBMITTED
UNDER CONFIDENTIAL COVER