

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF EL PASO ELECTRIC )  
COMPANY'S 2009 PROCUREMENT )  
PLAN PURSUANT TO THE RENEWABLE )  
ENERGY ACT AND NMAC 17.9.572.16 )**

**Case No. 09-00259-UT**

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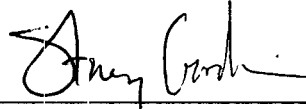
**EL PASO ELECTRIC COMPANY'S  
OBJECTION TO PLEADING**

El Paso Electric Company ("EPE") hereby files its Objection to the Proposed Findings and Conclusions of Mark A. Westbrook. At the close of hearing in this matter on October 1, 2009, the Hearing Examiner directed the parties to file proposed findings and conclusions, and to attempt to file a joint proposal on as many issues as possible. Transcript of Proceedings at 139-140. EPE circulated a proposed Recommended Decision and Findings and Conclusion for all parties' consideration, in compliance with the Hearing Examiner's directive.

EPE objects to Mr. Westbrook's pleading because it is an argumentative brief, rather than proposed findings and conclusions. No other party has submitted briefs and the Hearing Examiner did not provide for a response to such a pleading. In addition, on page 5 of his Brief Mr. Westbrook improperly argues outside of the record regarding customer-installed, medium-sized systems, and such argument should be stricken.

Mr. Westbrook's pleading goes beyond the directives of the Hearing Examiner and presents improper argument. EPE therefore requests that the Hearing Examiner either strike the pleading as non-responsive to the Hearing Examiner's directive or disregard the arguments contained therein.

Respectfully submitted,



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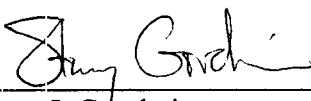
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**DATED** this 29th day of October, 2009.

  
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Stacey J. Goodwin