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MARKET BASED RATE SCHEDULE (X-NUMEROUS CHANGES)

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ELIGIBILITY:

Available to all consumers within the Utility's service area who have entered into a contract, with a term of at least one year, for demand of 1,000 kW or more. Service shall be supplied through a point of delivery and measured through primary metering.

TYPE OF SERVICE:

Three-phase, 60 Hertz, at available transmission voltage (69,000 volts or higher)

AVAILABILITY:

This rate is available to serve:

- 1. All load of an eligible consumer.
- 2. If a consumer demonstrates to the satisfaction of the Utility that its demand is temporarily less than 1,000 kW due to construction, but that, within 12 months, it will increase its demand to 1,000 kW or more, the consumer may take service under this rate schedule during the period of construction for no more than 12 months. After such time the consumer's demand must be 1,000 kW or more to continue service under this rate schedule.



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X

X

MONTHLY RATE:

The charge for electric service shall be the sum of the following:

(1) Customer Charge:

Utility Margin:

- (2) Power Charge:
- (3) Loss Adjustment:

(4)

- As set forth on Page 2 of 6 As set forth on Page 3 of 6 \$0.00238/kWh
- (5) Supervision and Inspection Fees: .00506 of total of (1) through (4) which is subject to change by state of New Mexico Statute

\$600.00

DETERMINATION OF BILLING AMOUNT:

1. Power Charge:

The charge for service during each billing period shall include the amount paid by the Utility for the consumer's prorated share of the Utility's purchased power under the supplier's market-based wholesale tariff plus, if insufficient power is available under that rate, the amount that would be charged for any additional amounts of power under the Utility's rate schedule under which the consumer would take service but for the availability of this Market Based Rate Schedule.

PURCHASED POWER COST ADJUSTMENT:

The Utility shall, if the purchased power expense is increased or $_X$ decreased above or below the base purchased power cost of $_X$

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\$0.081517/kWh sold, flow through to the users such increases or $\ x$ decreases, in accordance with 17.9.550 NMAC.

DEBT COST ADJUSTMENT:

x

The Utility may flow through increases or decreases in the cost of debt x capital incurred pursuant to securities, above or below the debt cost x utilized to establish rates in accordance with 17.9.540 NMAC.

2. Loss Adjustment:

The loss adjustment will be based on each consumer's specific information and the specific facilities used to provide service to the consumer. The Utility shall calculate a consumer specific loss adjustment using standard engineering practices which shall be set forth in the contract between the Utility and the consumer.

3. Supervision and Inspection Fee:

The supervision and inspection fee is a charge, based on revenue, that the Utility incurs to the New Mexico Public Utility Commission. The charge to the consumer is based on the fee charged to the Utility.

CONTRACTS:

All contracts between the Utility and consumer shall contain the following provision:

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"This contract, and all its terms and provisions, shall at all times be subject to modification or termination by order of NMPUC. In the event that any party to this contract requests the commission to take any action which could cause a modification in the provisions of this contract, that party shall provide written notice to the other parties at the time of filing the request with the Commission.

NEW SERVICE FACILITIES, METEREING, AND OTHER SPECIAL FACILITIES:

The facilities required to provide service hereunder shall be in accordance with the Utility's rules and regulations and will be determined and specified by the Utility. All facilities required will be at the expense of the consumer. Required facilities may include, but are not limited to, poles, lines, fuses, switches, telemetering, remote control equipment, protective relaying, and circuit breakers. The cost of new service facilities, metering, and other special facilities shall include all applicable taxes, maintenance, and insurance expenses as determined by the Utility. In such cases, the minimum charges, terms, and conditions will be covered by a special agreement with the consumer.

Interruptible service is available under this rate schedule. Should the consumer elect to be served with interruptible power, special or additional facilities are required in order to provide interruptible service. These facilities shall be at the expense of the consumer and specified by the Utility.

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TERMS OF PAYMENT:

Payment is due within fifteen (15) days of the bill's mailing date. A service charge of one and one-half (1 ½%) per billing period or fraction thereof will be charged on all utility bills and invoices which are delinquent.

TAX ADJUSTMENTS:

Billings under this rate schedule may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees or charges (exclusive of ad valorem, state and federal income taxes) payable by the Utility and levied or assessed by any governmental authority on the service rendered, or on any object or event incidental to the rendition of the service.

POWER FACTOR ADJUSTMENT:

The consumer agrees to maintain a power factor at the Points of Delivery of at least ninety percent (90%). Demand charges will be adjusted to correct for average power factors lower than 90%. Such adjustments will be made by increasing the measured demand 1% for each 1% by which the average power factor is less than 90% lagging.

MINIMUM MONTHLY CHARGE:

The monthly minimum charges shall be the higher of (a) the monthly minimum charge specified in the contract for service; or (b) \$1.60/kVa of installed transformer capacity.

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SERVICE CHARGE:

A service charge of one and one-half percent (1-1/2%) per billing period or fraction thereof will be charged on all utility bills and invoices which are delinquent.

CONDITIONS OF SERVICE:

- Special conditions of service shall be covered by the contract between the consumer and Utility.
- The Utility's Rules and Regulations, filed with the New Mexico Public Utility Commission, shall apply.
- 3. The rates and provisions herein are subject to any changes or modifications that may be lawfully ordered by any governmental body.
- Billing under this schedule is subject to all applicable adjustments provided for and referred to in the contract between the consumer and Utility.
- If additional costs are incurred by the utility from its power supplier, these costs will be passed to the consumer.

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