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APPLICABILITY:

Applicable within the Utility's service area to those consumers ("Consumer") who contract to purchase interruptible service in increments of at least one megawatt (1,000 kW) and who meet the requirements of the Utility's wholesale power supplier.

METERING AND SPECIAL FACILITIES:

Interruptible service provided under this Rate Schedule shall be on a separate circuit and metered separately from firm service provided to the Consumer. Required facilities such as telemetering, remove control equipment, protective relaying and circuit breakers shall be as specified by the Utility. Special or additional facilities which are required in order to provide interruptible service under this rate schedule shall be at the expense of the Consumer. Equipment required to facilitate instantaneous interruption, controlled by the Utility's wholesale power supplier, must be installed in order to take service under this rate schedule.

Advice Notice No. 57

Luis A. Reyes, Chief Executive Officer

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MONTHLY RATE:

This charge for service during each billing period shall be the sum of the following:

wing.	
Customer Service Charge of \$400.00 per Month	X
-PLUS-	
\$16.00 per kW of billing demand	Х
-PLUS-	
\$0.04210 per billing kWh, subject to other adjustments set forth below.	X

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ANNUAL RATE/YEAR (SKI LOADS ONLY):

Upon the request of the consumer and for his convenience, the Utility will render an annual bill payable in advance in the months of November through February, in equal monthly payments. The annual charges will be estimated by the Utility based on billing period minimum rate charges, established contracts or on prior years' usage. If prior years' usage is utilized, the average annual prior years' usage shall be divided by 4 and allocated to each of the four months. For each month a customer charge of \$400.00 per billing period per service plus the above kWh and kW rate plus the applicable purchased power adjustment factor plus the debt cost adjustment factor shall be applied to each service and its associated estimated kWh and kW usage. The calculated bill will be subtracted from the consumer's prepaid balance. The fourth billing period shall be an adjusting bill consisting of the \$1,200.00 customer charge plus the applicable kWh and kW charge adjusted to the consumer's actual annual usage.

PURCHASED POWER COST ADJUSTMENT:

The Utility shall, if the purchased power expense is increased or decreased above or below the base purchased power cost of \$0.07025/kWh sold, flow through to the users such increases or decreases, in accordance with N.M.P.R.C. Rule 17.9.550 NMAC.

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DEBT COST ADJUSTMENT:

The utility may flow through increases or decreases in the cost of debt capital incurred pursuant to securities, above or below the debt cost utilized to establish rates in accordance with N.M.P.R.C. Rule 17.9.540 NMAC.

DETERMINATION OF BILLING DEMAND:

Demand to be billed each month under this rate schedule shall be the greater of 1,000 kW or the Consumer's actual demand in kW measured at the time of the billing period's peak for the wholesale billing point out of which the Consumer receives service. This amount shall be adjusted, if necessary, to account for losses between the interruptible metering location and the point of delivery to the Utility.

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POWER FACTOR ADJUSTMENT:

The consumer agrees to maintain unity power factor as nearly as practicable. Unless the Utility's power supplier exercises its options to interrupt service during a billing period, demand charges will be adjusted for consumers with 50 kW or more of measured demand 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.

PROVISIONS FOR INTERRUPTIONS:

Interruptions shall be in accordance with the following:

- 1. Interruptions are declared by the Utility's power supplier for any reason including, without limitation, sales at a greater return.
- 2. The Consumer must interrupt within 20 minutes after an interruption is declared by the Utility's power supplier. The Utility's power supplier will endeavor to keep the Consumer reasonably informed of the expected duration of the interruption and when service may be resumed.

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PROVISIONS FOR INTERRUPTIONS: (Continued)

- 3. In the event of a failure by the Consumer to interrupt upon notification by the Utility's power supplier, the Consumer shall pay a penalty of \$156/kW times the highest kW amount measured during the interruption period in the same manner used to measure billing demand.
- 4. The Utility's power supplier will notify Consumer when the interruption is no longer in effect.
- 5. The Utility's power supplier will not be liable for any loss or damage caused by or resulting from any interruption of service.

TERMS OF PAYMENT:

Terms of payment for service rendered under this schedule shall be in accordance with the Agreement between the Consumer and the Utility.

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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 delinguent.

TAX ADJUSTMENT:

Billing under this 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 Seller 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.

CONDITIONS OF SERVICE:

- 1. Special conditions of service shall be covered by Agreement between Consumer and Utility.
- 2. The Utility's Rules and Regulations, filed with the New Mexico Public Regulation Commission, shall apply.

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CONDITIONS OF SERVICE: (Continued)

- 3. The consumer shall not resell or share electric service with others.
- 4. The rates and provisions herein are subject to any changes or modifications that may be lawfully ordered by any governmental body.

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