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APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE  
PUBLIC SERVICE COMPANY: (1) §  
RECONCILIATION OF ITS FUEL AND § OF  
PURCHASED POWER COSTS FOR 2000 §  
THROUGH 2001; AND (2) RELATED §  
RELIEF § ADMINISTRATIVE HEARINGS

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S FIRST REQUEST FOR  
INFORMATION TO OFFICE OF PUBLIC UTILITY COUNSEL**

(Filename: 60K1.doc; Total Pages: 10)

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**SOUTHWESTERN PUBLIC SERVICE COMPANY'S FIRST REQUEST FOR  
INFORMATION TO OFFICE OF PUBLIC UTILITY COUNSEL**

**DEFINITIONS**

The following definitions apply to each of the requests set forth in this document and all requests served after this document.

1. A reference to "SPS" or the "Company" shall mean Southwestern Public Service Company.
2. A reference to Office of Public Utility Counsel (OPC) includes, but is not limited to OPC and all employees, agents, consultants, attorneys, and all other persons acting on behalf of OPC.
3. The term "Commission" refers to the Public Utility Commission of Texas (PUCT).
4. The term "communication" includes all verbal and written communications (including written records of verbal communications) of every kind, including but not limited to, telephone calls, conferences, letters, electronic mail (E-mail), modem transfers, and all memoranda or other documents concerning the requested item. Where communications are not in writing, provide copies of all memoranda and documents and describe in full the substance of the communication to the extent that substance is not reflected in the memoranda and documents provided and to the extent it is within the knowledge of OPC.
5. "Documents" refers to all writings and records of every type, including electronic media, in the possession, control, or custody of OPC, including, but not limited to, memoranda, correspondence, reports (including drafts, preliminary, intermediate and final reports), surveys, studies (including, but not limited to, load flow, engineering, general economic and market studies), comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, diaries, newspaper clippings, log sheets, ledgers, transcripts, microfilm, computer data files, tapes, inputs, outputs, and print outs, vouchers, accounting statements, engineering diagrams (including "one-line" diagrams), mechanical and electric recordings, telephone and telegraphic communication, speeches, and all other records, written, electrical, mechanical or otherwise.

"Documents" shall also refer to copies of documents, even though the originals of those documents are not in the possession, custody, or control of OPC, every copy of a document

which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy, and all attachments to any documents.

6. "Identification of" or "identify" a document includes stating (a) the nature of the document (*e.g.*, letter, memorandum, corporate minutes), (b) the date, if any, appearing thereon, (c) the date, if known, on which the document was prepared, (d) the title of the document, (e) the general subject matter of the document, (f) the number of pages comprising the document, (g) the identity of each person who signed or initialed the document, (h) the identity of each person to whom the document was addressed, (i) the identity of each person who received the document or reviewed it, (j) the location of the document, and (k) the identity of each person having custody of, or control over, the document. Identification of a document includes identifying all documents known or believed to exist, whether or not in the custody of OPC or in the custody of its attorneys or other representatives or agents.
7. "Identification" of a person includes stating his or her full name, his or her most recent known business address and telephone number, his or her present position, and his or her prior connection or association with any party to this proceeding.
8. "Person" refers to, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency.
9. "Please provide copies of all documents . . ." or similar phrases shall include the identification (see Definition No. 6) of all such documents as well as the production of all such documents.
10. "Relating to" or "referring to," when used in these requests, means a request for every document which comprises, reflects, discusses, underlies, comments upon, forms the basis for, analyzes, or mentions in any way the subject of the request.

## **GENERAL INSTRUCTIONS**

The following General Instructions apply to each of the data requests by SPS submitted during this proceeding:

1. Please provide all narrative responses in hard copy, on separate pages for each response, with the question restated at the top of the page. Where possible, please also provide responses via e-mail including all exhibits that are electronically available.
2. For each responsive answer, please identify the individual(s) responsible for its preparation, and the witness sponsoring the answer provided.
3. Unless otherwise indicated, the documents for which production is sought shall include all documents dated, prepared, sent, or received during the designated period or that relate to the designated period, whether prepared before, during, or after that period
4. If a data request can be answered in whole or in part by reference to the response to a preceding or subsequent data request, including data requests of Commission Staff and other parties, so indicate. Specify the preceding or subsequent data request by participant or party and by number, and state whether it is claimed that the response to the preceding or subsequent data request is a full response to the instant data request. If not, furnish the balance of the response needed to complete a full reply.
5. For any data request consisting of separate sub-divisions or related parts, a response is requested for each such part or portion with the same effect as if it were propounded as a separate data request. Any objection to such a data request should clearly indicate that part or portion of the data request to which the objection is directed.
6. For each document identified in a response that is computer generated, state separately (a) what types of data, files, diskettes or tapes are included in the input and the source thereof, (b) the form of the data which constitutes machine input (punch cards, tapes, diskettes, etc.), (c) a description of the recordation system employed (including program descriptions, flow charts, etc.), and (d) the identity of the person(s), during the designated period, in charge of the collection or input materials, the processing of input materials, the data bases utilized, and/or the programming to obtain such output.
7. If a data request seeks information by year or years, indicate whether the information is provided on a calendar or fiscal year basis. If provided on a fiscal year basis, state the dates on which each fiscal year begins and ends.
8. In the event any document requested in this request is unavailable, describe in detail the reasons the document is unavailable.
9. When producing documents pursuant to these data requests, designate on the document or group of documents the data request(s) in response to which the document(s) are produced.
10. If, in answering any of these requests, there is any ambiguity in interpreting either the request or a definition or instruction applied thereto, please contact Steven D. Arnold, Amy M. Shelhamer, or Richard R. Wilfong at:

Hinkle, Hensley, Shanor & Martin, L.L.P.  
1150 Capitol Center  
919 Congress Avenue  
Austin, Texas 78701  
(512) 476-7137  
(512) 476-7146 (FAX)

If that is not possible, set forth the language deemed to be ambiguous and the interpretation chosen or used in responding to the request.

11. These data requests are continuing in nature and require supplemental responses when further or different information with respect to any of them is obtained.
12. Use of the singular or plural word form in a data request is not to be interpreted to exclude information or documents from the scope or intent of the specific request.
13. The terms "and" and "or" shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these requests any information or documents which might otherwise be considered to be beyond their scope.
14. When requested to "state the basis" for any analysis (including studies and work papers), proposal, assertion, assumption, description, quantification or conclusion, describe every fact, statistic, inference, supposition, estimate, consideration, conclusion, study and analysis known to OPC or that OPC believe supports the analysis, proposal, assertion, assumption, description, quantification, or conclusion, or which OPC contend to be evidence of the truth or the accuracy of the analysis, proposal, assertion, assumption, description, quantification, or conclusion.
15. For each document furnished or answer provided in response to a data request, please identify the person(s) responsible (whether primarily or indirectly) for preparing and providing the response, the person(s) from whom information or documents were obtained and the files searched in responding to the data request, the person(s) who reviewed the response, and the person who would be available to respond to inquiries concerning the information provided (if different than the other identified people).
16. When a response to a data request comprises more than one page, please staple or bind the pages using consecutive numbers. Each response should be on a separate page(s).
17. For data requests specifically soliciting an answer rather than the production of documents, please provide an answer, supplemented, if need be, by the production of documents.
18. If information requested is not available in the form requested, please provide the information or documents as are available that best respond to the data request.
19. If any document covered by this request is withheld for whatever reason, please furnish a list identifying all withheld documents in the following manner
  - (a) the reason for withholding;
  - (b) the date of the document;
  - (c) a brief description of the document;
  - (d) the name of each author or preparer;

- (e) the name of each person who received the document; and
- (f) a statement constituting the basis for withholding the document.

20. If OPC declines to respond to any request for information or data on the basis of privilege, please state as to each such request an explanation for the refusal. Identify those documents and communications that are withheld from the response to each specific data request. The identification shall be served within the time specified by the presiding examiner for this proceeding and in accordance with the Rules of the Commission, and shall:

- (a) specify the date of the document, its author(s) (with title and designation if an attorney), and recipients (with title and designation if an attorney);
- (b) contain a brief summary of the subject matter of the document; and
- (c) contain a brief statement of the reason that, in your opinion, the assertion of privilege is justified.

21. Please provide data responses as they become available.

22. Forward responses to all data requests to the individuals named below. If there are questions or problems concerning any data requests, contact Mr. Arnold, Ms. Shelhamer, or Mr. Wilfong.

Steven D. Arnold, Esq.  
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1150 Capitol Center  
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e-mail: dwilfong@hinklelawfirm.com

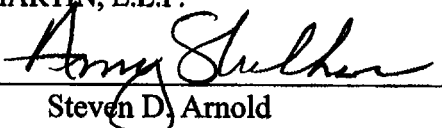
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Respectfully submitted,

HINKLE, HENSLEY, SHANOR  
& MARTIN, L.L.P.

By:   
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1150 Capitol Center  
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ATTORNEYS FOR SOUTHWESTERN PUBLIC  
SERVICE COMPANY

## **REQUESTS FOR INFORMATION**

### **Question No. 1-1:**

Provide copies of all documents (including, but not limited to, all tangible reports, physical models, and compilations of data) prepared by or for an expert offering testimony in this docket on behalf of OPC in anticipation of that expert's testimony in this docket.

### **Question No. 1-2:**

For each witness offering testimony on behalf of OPC, or for anyone who has prepared, or assisted in the preparation of, testimony for filing on behalf of OPC in this docket, provide copies of all work papers utilized in preparing such testimony, including but not limited to: a list of each RFI response directly relied upon; any books, treatises or other publications; and all calculations in sufficient detail to permit SPS the opportunity to replicate the recommendations. To the extent that this question calls for the production of copyrighted materials, it shall be sufficient to provide a listing of such material, indicating the title, publisher, author, edition, and page references relied on.

### **Question No. 1-3:**

Please provide any and all correspondence between each witness offering testimony on behalf of OPC, or for anyone who has prepared, or assisted in the preparation of, testimony for filing on behalf of OPC in this docket, and counsel which relate to the scope of work to be done by the witness. SPS does not seek any privileged communications between the witness and counsel nor does SPS seek such correspondence that would reveal counsel's trial strategy.

### **Question No. 1-4:**

For each witness offering testimony on behalf of OPC in this docket:

- (a) provide all documents sent to or received from such person relating to such person's testimony or to such person's retention, appearance in, or work in connection with this proceeding;
- (b) provide all documents made available to such person in connection with such person's retention, appearance in, or work in connection with this proceeding;
- (c) all notes taken by such person and all reports, or other documents created by such individual in connection with such person's retention, appearance in, or work in connection with this proceeding;

- (d) provide each publication or speech published or given by such person within the immediately preceding five years with the dates and places given and published; and
- (e) list all proceedings in which such person testified or has been deposed since January 1, 1998, and provide a transcript of such testimony, including direct and cross-examination.

**Question No. 1-5:**

Identify each non-testifying expert whose opinion or impressions related to this docket have been reviewed by an expert offering testimony on behalf of OPC in this docket.

**Question No. 1-6:**

Provide copies of all documents prepared by any person identified in response to Question No. 1-5 related to the subject matter of this docket.

**Question No. 1-7:**

Identify all principal contributors, other than the actual case witnesses, involved in preparing the testimony and supporting studies, analyses, or presentations on behalf of OPC. Include, for each person identified, the nature of that person's contribution.

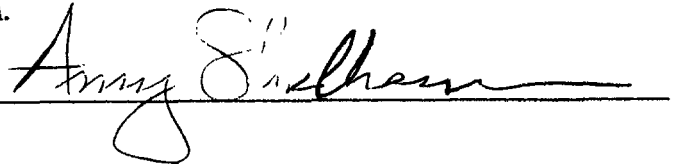
**Question No. 1-8:**

For each person identified in response to Question No. 1-7, who directed, supervised, or prepared a quantitative analysis for which work papers are provided, or required to be provided in response to this set of requests for information, please provide the following:

- (a) the titles of the quantitative studies directed, supervised or specified; and
- (b) a brief statement of the nature and extent of the professional training and experience of the listed individual related to the subject area of the study. At a minimum, this statement should include related college degrees, a chronology providing the dates and employer for related work experience and a description of prior activities as an expert witness in the subject area.

**Certificate of Service**

I certify that on the 28th day of January 2003, a true and correct copy of the foregoing instrument was served on all parties of record by hand delivery, Federal Express, regular first class mail, certified mail, or facsimile transmission.

A handwritten signature in cursive script, appearing to read "Amy Shelham", is written over a horizontal line.