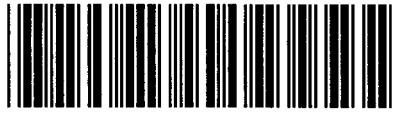


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**SOAH DOCKET NO. 473-04-6558
PUC DOCKET NO. 29801**

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**APPLICATION OF SOUTHWESTERN §
PUBLIC SERVICE COMPANY FOR: § BEFORE THE STATE OFFICE
(1) RECONCILIATION OF ITS FUEL §
AND PURCHASED POWER COSTS § OF
FOR 2002 AND 2003; (2) A SPECIAL §
CIRCUMSTANCES FINDING; AND § ADMINISTRATIVE HEARINGS
(3) RELATED RELIEF §**

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S MOTION TO MODIFY ORDER
NO. 9**

(Filename: 7C3.doc; Total Pages: 3)

Southwestern Public Service Company (SPS) files this motion to modify Order No. 9 and states the following. On September 29, 2004, SPS filed an agreed motion to modify the procedural schedule (Agreed Motion). The Agreed Motion contained the revisions to the procedural schedule embodied in Order No. 9, except that it stated that discovery on SPS's direct case would end on October 25, 2004, rather than on October 15, 2004, as requested in the Agreed Motion. SPS requests that the date discovery ends on its direct case be changed to correspond to the October 15, 2004, date stated in the Agreed Motion. The Agreed Motion also contained the following request:

The parties also have agreed that rebuttal discovery served on SPS before November 29, 2004, shall be deemed to have been served on SPS on November 29, 2004, for all purposes. Except for this modification, all deadlines related to discovery stated in Order No. 7 shall remain the same.

Although Order No. 9 revised the procedural schedule, it did not contain the equally important agreement of the parties stated above. SPS requests that the Administrative Law Judge issue an order modifying Order No. 9 to include the statement set forth above.

The Agreed Motion was either supported or not opposed by all of the parties to this proceeding and, therefore, there should be no parties that oppose this request.

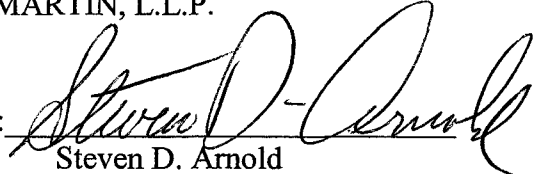
WHEREFORE, SPS respectfully requests that the Administrative Law Judge issue an order modifying Order No. 9 as set forth above and granting SPS any other relief to which it may be entitled.

XCEL ENERGY

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Respectfully submitted,

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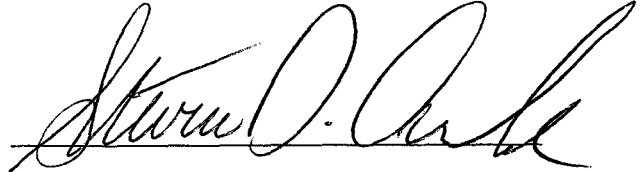
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ATTORNEYS FOR SOUTHWESTERN
PUBLIC SERVICE COMPANY

CERTIFICATE OF SERVICE

I certify that on the 8th day of October 2004, a true and correct copy of this instrument was served on all parties of record by hand delivery, Federal Express, certified mail, or facsimile transmission.

A handwritten signature in black ink, appearing to read "Steven D. Arlt", is written over a horizontal line.