

Control Number: 29801



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APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE  
PUBLIC SERVICE COMPANY FOR §  
RECONCILIATION OF ITS FUEL § OF  
COSTS FOR 2002 AND 2003, A FINDING §  
OF SPECIAL CIRCUMSTANCES, AND § ADMINISTRATIVE HEARINGS  
RELATED RELIEF

FILED 04/15/05 PM 9:37  
CLERK OF COURTS  
STATE OF TEXAS

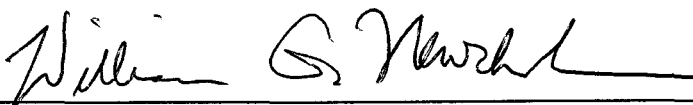
**ORDER NO. 13  
DENYING MOTIONS TO REOPEN RECORD AND  
DELAY ISSUING PROPOSAL FOR DECISION**

On April 13, 2005, Texas Industrial Energy Consumers (TIEC) and the Office of Public Utility Counsel (OPC) filed a motion to reopen the record. They seek the admission of certain statements that they allege were made by Southwestern Public Service Company's (SPS's) counsel in a Federal Energy Regulatory Commission proceeding. TIEC and OPC contend that those statements, actually legal arguments, are contrary to SPS's legal position in this case.

On that same date, SPS filed a joint motion on behalf of itself, OPC, the City of Amarillo, and the Public Utility Commission of Texas Staff (Staff) asking the Administrative Law Judge to delay issuing the proposal for decision (PFD). SPS represented that those parties have agreed to a settlement in principle, and they seek additional time to achieve a more unanimous settlement. Canadian River Municipal Water Authority and West Texas Municipal Power Agency do not oppose the motion. TIEC responded that it has not agreed to the settlement, which would also cover matters outside the scope of this case. TIEC opposes a delay in the issuance of the PFD unless the settlement is unanimous.

Both motions are denied. The record is long closed. The parties have fully argued the law. The settlement is not unanimous. The PFD will be issued tomorrow, absent a last minute glitch.

**SIGNED April 14, 2005.**

  
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**WILLIAM G. NEWCHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**