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**PUC DOCKET NO. 35763
SOAH DOCKET NO. 473-08-3436**

**APPLICATION OF SOUTHWESTERN § BEFORE THE
PUBLIC SERVICE COMPANY FOR §
AUTHORITY TO CHANGE RATES, TO §
RECONCILE FUEL AND PURCHASED § PUBLIC UTILITY COMMISSION
POWER COSTS FOR 2006 AND 2007, §
AND TO PROVIDE A CREDIT FOR §
FUEL COST SAVINGS § OF TEXAS**

**PUC DOCKET NO. 35738
SOAH DOCKET NO. 473-08-3799**

**APPLICATION OF SOUTHWESTERN § BEFORE THE
PUBLIC SERVICE COMPANY FOR §
APPROVAL OF ENERGY EFFICIENCY § PUBLIC UTILITY COMMISSION
COST RECOVERY FACTOR RIDER §
AND RELATED EXCEPTION § OF TEXAS**

**PUC DOCKET NO. 35668
SOAH DOCKET NO. 473-08-3859**

**APPLICATION OF SOUTHWESTERN § BEFORE THE
PUBLIC SERVICE COMPANY FOR §
AUTHORITY TO (1) REVISE ITS §
INTERRUPTIBLE CREDIT OPTION § PUBLIC UTILITY COMMISSION
TARIFF; (2) IMPLEMENT A NEW §
SAVER'S SWITCH TARIFF; AND §
RELATED RELIEF § OF TEXAS**

**TEXAS INDUSTRIAL ENERGY CONSUMERS' RESPONSE TO
ALLIANCE OF XCEL MUNICIPALITIES' MOTION TO CONSOLIDATE**

Texas Industrial Energy Consumers ("TIEC") opposes Alliance of Xcel Municipalities' ("AXM") Motion to Consolidate the three dockets referenced above into a single proceeding, which was filed July 11, 2008. AXM's motion fails to establish a basis under P.U.C. PROC. R. 22.34 for consolidating these dockets and therefore should be denied.

TIEC understands that the parties are currently attempting to negotiate a resolution of this matter and have asked that the administrative law judges ("ALJs") not rule on AXM's motion at this time. TIEC asks that the ALJs consider this response if and when AXM's motion and the other responses to that motion are considered.

TIEC agrees with the arguments presented by the Public Utility Commission Staff ("Staff") and Southwestern Public Service Company ("SPS") in their responses in opposition to AXM's motion, which were both filed on July 18, 2008. For the sake of economy, TIEC will not reiterate all of those arguments again here. However, TIEC notes that over a month has now passed since AXM filed its Motion to Consolidate. Discovery has progressed in all three cases. Hearing dates have been set in Docket 35738 (September 29, 2008) and Docket 35763 (starting November 12, 2008), and the parties are working toward an agreed schedule for Docket 35668 that would put the hearing in that case at the end of next month. While consolidation of these three dockets was never proper, at this point it would cause undue disruption to cases already in progress. Based on the above, TIEC submits this late-filed Response for good cause¹ and respectfully requests that AXM's Motion to Consolidate be denied.

Respectfully submitted,

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¹ P.U.C. PROC. R. 22.78.

CERTIFICATE OF SERVICE

I, Caren Pinzur, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 19th day of August, 2008 by facsimile, electronic mail, and/or First Class, U.S. Mail, Postage Prepaid.

A handwritten signature in cursive script, reading "Caren Pinzur", written in black ink.

Caren Pinzur