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SOAH DOCKET NO. 473-12-2939  
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APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE  
PUBLIC SERVICE COMPANY FOR §  
AUTHORITY TO REVISE ITS FUEL § OF  
FACTOR FORMULAS; CHANGE ITS FUEL §  
FACTORS; AND FOR RELATED RELIEF § ADMINISTRATIVE HEARINGS

**NOTICE OF WITHDRAWAL OF APPLICATION**

Southwestern Public Service Company (“SPS”) files this Notice of Withdrawal of its *Application for Authority to Revise its Fuel Factor Formulas; Change its Fuel Factors; and for Related Relief* (“Application”), without prejudice to refile same, and would show as follows:

**I.**

On November 21, 2011, SPS filed its Application. The Application was based, in part, on the Environmental Protection Agency’s Cross State Air Pollution Rule (“CSAPR”), which was to become effective on January 1, 2012, and would thereafter affect the manner in which SPS dispatches its generation resources. On December 30, 2011, the United States Court of Appeals for the District of Columbia Circuit stayed the effective date of the Rule, pending oral arguments in April 2012. In light of the Court’s ruling, SPS is withdrawing its Application in this docket, and will subsequently file a revised application in a separate docket that updates its fuel factor formulas and fuel factors, absent consideration of the CSAPR.

**II.**

Pursuant to P.U.C. PROC. R. § 22.181(b), SPS hereby withdraws its Application. Rule 22.181(b) provides that “a party that initiated a proceeding may withdraw its application, petition, or complaint, without prejudice to refile of same, at any time before that party has presented its direct case.” SPS has not presented its direct case in this matter; thus, the request to withdraw its Application is timely filed.

Respectfully submitted,

Paul M. M.

WINSTEAD P.C.

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ATTORNEYS FOR SOUTHWESTERN PUBLIC  
SERVICE COMPANY

**CERTIFICATE OF SERVICE**

I certify that on the date this instrument was filed with the Public Utility Commission of Texas, a true and correct copy of it was served on all parties by hand delivery, Federal Express, certified mail, e-mail, or facsimile transmission.

Paul M. M.

Paul Guinn