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SOAH DOCKET NO. 473-13-1173

DOCKET NO. 40824

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PUBLIC UTILITY COMMISSION  
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APPLICATION OF SOUTHWESTERN §  
PUBLIC SERVICE COMPANY FOR §  
AUTHORITY TO CHANGE RATES §  
AND TO RECONCILE FUEL AND §  
PURCHASED POWER COSTS FOR §  
THE PERIOD JANUARY 1, 2010 §  
THROUGH JUNE 30, 2012 §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

### UNOPPOSED MOTION TO AMEND PROCEDURAL SCHEDULE

On behalf of all parties in this docket, Southwestern Public Service Company ("SPS") requests that the Administrative Law Judge adopt an amended procedural schedule that will allow the parties to engage in meaningful settlement negotiations before Intervenors' and Staff's direct testimony is due. No party opposes this request.

#### I. Background

During the week of January 21, 2013, the parties in this docket met twice to discuss settlement, and they have agreed to meet for three more days in late February to determine whether a complete or partial settlement is possible.<sup>1</sup> Unless the procedural schedule is extended, however, Intervenors' direct testimony will be due at the same time the next settlement meetings are scheduled to occur, and Staff's direct testimony will be due shortly afterward. To avoid the time and expense necessary to prepare testimony that will not be needed if settlement negotiations are successful, the parties have agreed to seek a four-week extension of the procedural schedule.

<sup>1</sup> It is necessary to delay the next round of settlement meetings until the third week of February because several of the parties in SPS's rate case will be involved in the hearing on the merits of Southwestern Electric Power Company's base rate case, which is scheduled to begin on February 4, 2013.

## **II. Requested Relief**


The parties request that the Administrative Law Judge approve the amended procedural schedule attached to this motion. If the Administrative Law Judge is not available on the dates proposed in the amended schedule for the hearing on the merits, the parties request approval of a schedule that tracks the proposed amended schedule as closely as possible.

In addition to moving the dates for testimony and testimony-related filings, the proposed schedule reflects the parties' agreement that Intervenor and Staff may serve Requests for Information ("RFI") on SPS's direct case through February 4, 2013. If the settlement discussions are unsuccessful, Intervenor and Staff will have an additional seven days to serve RFIs on SPS, beginning on the date that settlement negotiations break down, and SPS will respond to those RFIs within 15 days. Responses to discovery on Intervenor's and Staff's direct cases, and on SPS's rebuttal case, will be due within the times set forth in the initial footnote in the proposed amended procedural schedule.

## **PRAYER**

For the reasons set forth in this motion, SPS prays on behalf of all parties that the Administrative Law Judge adopt the unopposed amended procedural schedule attached to this motion. SPS further prays for any other relief to which the parties may be entitled.

Respectfully submitted,

BY:   
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ATTORNEYS FOR  
SOUTHWESTERN PUBLIC SERVICE COMPANY

### CERTIFICATE OF SERVICE

I certify that on the 30<sup>th</sup> day of January, 2013, a true and correct copy of the foregoing instrument was served on all parties of record by electronic service and by either hand-delivery, Federal Express, regular first class mail, certified mail, or facsimile transmission.



**Agreed Amended Procedural Schedule**  
**Docket No. 40824**

EVENT	DEADLINE
Case filed <sup>1</sup>	Nov. 15, 2012
Discovery Hiatus	Dec. 22 – Dec. 28, 2012 <sup>2</sup>
Intervention Deadline	December 31, 2012
SPS files 45-day Update	January 4, 2013
Deadline for serving Written Discovery to SPS on its Direct Case	February 4, 2013, except that if settlement discussions are unsuccessful, the parties will have seven calendar days from the date on which settlement discussions break down to serve additional RFIs on SPS.
Intervenors' Direct Testimony	March 22, 2013
Written Objections to SPS's Direct Testimony <sup>3</sup>	March 29, 2013

<sup>1</sup> Written discovery served on SPS before December 13, 2012 is due 20 calendar days from date of service. Starting on December 14, 2012, the due date for written discovery on SPS's direct case is 15 calendar days after the date of service.

For written discovery on Staff and Intervenor direct testimony, Staff and Intervenor cross-rebuttal testimony, and SPS rebuttal testimony: (1) responses to the written discovery shall be provided within five calendar days of receipt of the discovery (or, for SPS rebuttal testimony, no later than 3:00 p.m. on the day before the witness is scheduled to take the stand, whichever is earlier); (2) objections to discovery shall be filed within five calendar days of receipt of the discovery requests; (3) motions to compel shall be filed within three working days of receipt of the objections; and (4) responses to motions to compel shall be filed within three working days of receipt of the motion to compel. A response will be considered timely if it is served by e-mail by 3:00 p.m. on the date response is due and filed the following business day.

The discovery period on Intervenor and Staff direct testimony, Intervenor and Staff cross-rebuttal testimony, and SPS rebuttal testimony begins on the deadline for filing testimony. Staff, Intervenors, and SPS will use their best efforts to provide the other parties with native files (Excel, Word, etc.) of spreadsheets, exhibits, attachments, workpapers, etc. that support their direct, cross-rebuttal, and rebuttal testimony on the day their testimony is due, but if they are unable to provide the files and workpapers on the day the testimony is due, they will provide the other parties with the files and workpapers no later than the next business day.

<sup>2</sup> For purposes of determining the due date of RFIs served by 3:00 p.m. on December 21, 2012, the days December 22, 2012 through December 28, 2012 will not be counted when determining the due date.

Written Objections to Intervenors' Direct Testimony	March 29, 2013
Staff's Direct Testimony	April 2, 2013
Staff's and Intervenors' Cross-Rebuttal Testimony	April 9, 2013
Written Objections to Staff's Direct Testimony	April 9, 2013
Deadline for Serving Written Discovery on Intervenors' and Staff's Direct Testimony	April 9, 2013
Written Objections to Staff's and Intervenors' Cross-Rebuttal	April 12, 2013
SPS's Rebuttal Testimony	April 12, 2013, by Noon
Deadline for Serving Written Discovery on Intervenors' and Staff's Cross-Rebuttal Testimony	April 19, 2013
Written Objections to SPS's Rebuttal Testimony	April 19, 2013
Prehearing Conference (if necessary)	April 22, 2013
Hearing on the Merits	Starts on April 23, 2013
Temporary Rates	If the Commission has not issued the final order in this case by June 30, 2013, then SPS's current rates become temporary effective for service rendered on and after July 1, 2013.
Final Order	SPS agrees to extend the statutory deadline to July 31, 2013.

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<sup>3</sup> Replies to all written objections to all parties' prefiled direct, cross-rebuttal, and rebuttal testimony are due in writing 5 working days after receipt of the written objections, except that the replies to written objections to SPS's rebuttal testimony will be presented orally at the hearing.