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SOAH DOCKET NO. 473-13-1173
PUC DOCKET NO. 40824

2013 FEB -4 AM 9:43

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

FILED WITH COMMISSION
FILING CLERK

SOAH ORDER NO. 8
GRANTING MOTION TO AMEND PROCEDURAL SCHEDULE

On January 30, 2013, Southwestern Public Service Company (SPS), on behalf of all parties in this docket, filed a motion to amend the procedural schedule. Specifically, movants request a four-week extension of the procedural schedule to allow for continued settlement discussions. The motion is GRANTED. The following procedural schedule now applies:

EVENT	DEADLINE
Case filed ¹	Nov. 15, 2012
Intervention Deadline	December 31, 2012
Deadline for serving Written Discovery to SPS on its Direct Case ²	February 4, 2013
Intervenors' Direct Testimony	March 22, 2013
Written Objections to SPS's Direct Testimony ³	March 29, 2013
Written Objections to Intervenors' Direct Testimony	March 29, 2013
Staff's Direct Testimony	April 2, 2013

¹ The due date for written discovery on SPS's direct case is 15 calendar days after the date of service.

² 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.

³ Replies to all written objections to all parties' prefiled direct, cross-rebuttal, and rebuttal testimony are due in writing five 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.

EVENT	DEADLINE
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, at 10:00 a.m.
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.

Additionally, Intervenors and Staff may serve RFIs on SPS's direct case through February 4, 2013. If settlement discussions are not successful, Intervenors and Staff will have an additional seven days to serve requests for information (RFIs) on SPS, beginning on the date that settlement negotiations break down, and SPS will respond to such requests within 15 days.

The Commission's standard discovery rules apply except that 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.

Requests for the Administrative Law Judge (ALJ) to convene a prehearing conference on April 22, 2013, shall be filed on or before noon, April 19, 2013. If requested, the prehearing conference will begin at 10:00 a.m. Otherwise, the ALJ(s) will take up pending motions at the hearing. As noted in the above procedural schedule, SPS agreed to extend the jurisdictional deadline until July 31, 2013, to allow the parties, the ALJ(s), and the Commission sufficient time to process the case.

The hearing on the merits will convene on **April 23, 2013, at 10:00 a.m.**, at the State Office of Administrative Hearings, 300 West 15th Street, 4th Floor, Austin, Texas, and will continue day to day as necessary.

SIGNED February 1, 2013.



LILO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS