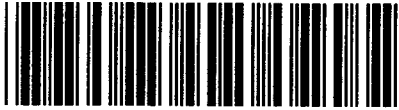




Control Number: 40824



Item Number: 325

Addendum StartPage: 0

RECEIVED

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

2013 FEB -7 PM 4:34

PUBLIC UTILITY COMMISSION
FILING CLERK

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

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S
INDEX OF DOCUMENTS CONTAINING
CONFIDENTIAL OR HIGHLY SENSITIVE PROTECTED MATERIALS
RESPONSIVE TO THE STAFF'S THIRD REQUEST FOR INFORMATION
QUESTION NO. 3-15(SUPP1)**

(Filename: Staff3rd(SUPP1)ConfHSIndex.doc; Total Pages: 6)

Table of Contents

EXHIBIT A – INDEX OF DOCUMENTS.....	4
1. EXHIBIT SPS-STAFF 3-15V(SUPP1)(CONF)	4
2. EXHIBIT SPS-STAFF 3-15V(SUPP1)(HS).....	4
CERTIFICATE OF SERVICE	6

*Docket No. 40824
SOAH Docket No. 473-13-1173
Southwestern Public Service Company's Index of Documents
Containing Confidential or Highly Sensitive Information
Responsive to Staff's Third Request for Information
Question No. 3-15(SUPP1)*

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

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

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S
INDEX OF DOCUMENTS CONTAINING
CONFIDENTIAL OR HIGHLY SENSITIVE PROTECTED MATERIALS
RESPONSIVE TO THE STAFF'S THIRD REQUEST FOR INFORMATION
QUESTION NO. 3-15(SUPP1)**

Pursuant to Paragraph 3 *[sic]* of the Proposed Protective Order in this docket, Southwestern Public Service Company ("SPS") files this index of documents containing Confidential Information or Highly Sensitive Confidential Information responsive to Commission's Staff's ("Staff") Third Request for Information, Question No. 15, and states the following in support.

An index of the documents containing Confidential Information or Highly Sensitive Confidential Information is attached as Exhibit A. This index indicates for each document: (a) the designation of information as Confidential or Highly Sensitive; (b) a description of the document; (c) the applicable exemptions under the Public Information Act of Texas; (d) an explanation of the designation of Confidential or Highly Sensitive; and (e) certification that the designation is made in good faith.

*Docket No. 40824
SOAH Docket No. 473-13-1173
Southwestern Public Service Company's Index of Documents
Containing Confidential or Highly Sensitive Information
Responsive to Staff's Third Request for Information
Question No. 3-15(SUPP1)*

Respectfully submitted,

XCEL ENERGY SERVICES INC.

WINSTEAD P.C.

Stephen Fogel
State Bar No. 07202010
Matthew P. Loftus
State Bar No. 24052189
816 Congress Avenue, Suite 1650
Austin, Texas 78701-2471
Office: (512) 478-7267
Facsimile: (512) 478-9232
e-mail: stephen.e.fogel@xcelenergy.com
e-mail: matthew.p.loftus@xcelenergy.com

Ron H. Moss
State Bar No. 14591025
401 Congress Avenue, Suite 2100
Austin, Texas 78701
Office: (512) 370-2867
Facsimile: (512) 370-2850
e-mail: rhmoss@winstead.com

GRAVES, DOUGHERTY, HEARON & MOODY P.C.

COURTNEY, COUNTISS, BRIAN & BAILEY, LLP

Thomas B. Hudson, Jr.
State Bar No. 10168500
401 Congress Avenue, Suite 2200
Austin, Texas 78701
Office: (512) 480-5740
Facsimile: (512) 480-5840
e-mail: thudson@gdhm.com

Amy M. Shelhamer
State Bar No. 24010392
600 S. Tyler, Suite 1700
Amarillo, Texas 79101
Office: (806) 372-5569
Facsimile: (806) 372-9761
e-mail: ashelhamer@courtneylawfirm.com

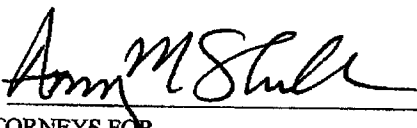
BY: 
ATTORNEYS FOR
SOUTHWESTERN PUBLIC SERVICE COMPANY

EXHIBIT A – INDEX OF DOCUMENTS

1. Exhibit SPS-Staff 3-15V(SUPP1)(CONF)

- (a) **Designation of Information:** Confidential Information
- (b) **Description of Document:** June, July, and August 2011 fuel and purchase power invoices, general ledgers and journal entries
- (c) **Applicable Exemptions:** Public Information Act of Texas, §§ 552.101, 552.104, and 552.110
- (d) **Explanation of Designation:** These documents contain fuel cost data, some of which is by plant, including supplier, price and volume data. The pricing information, including the vendor invoices, could give an advantage to a competitor or vendor if released. Furthermore, this information is protected under the trade secret privilege in Rule 507 of the Texas Rules of Civil Evidence, which is made applicable to discovery process rule by Rule 193.3 of the Texas Rules of Civil Procedure.
- (e) **Certification of Counsel:** The undersigned counsel has reviewed the information sufficiently to state in good faith that the information is exempt from discovery under the Public Information Act of Texas and is entitled to its classification specified above.

2. Exhibit SPS-Staff 3-15V(SUPP1)(HS)

- (a) **Designation of Information:** Highly Sensitive Information
- (b) **Description of Document:** June, July, and August 2011 fuel and purchase power invoices, general ledgers and journal entries
- (c) **Applicable Exemptions:** Public Information Act of Texas, §§ 552.101, 552.104, and 552.110

(d) Explanation of Designation:

These documents contain fuel cost data, by plant, including supplier, price, transportation cost, and volume data. The pricing information contained in the coal invoices includes coal transportation costs that are commercially sensitive, and if released could put SPS or BSNF at a competitive disadvantage. Furthermore, the coal transportation costs shown on the invoices are subject to confidentiality agreements between SPS and BSNF and if released, could subject SPS to liability. Furthermore, this information is protected under the trade secret privilege in Rule 507 of the Texas Rules of Civil Evidence, which is made applicable to discovery process rule by Rule 193.3 of the Texas Rules of Civil Procedure.

(e) Certification of Counsel:

The undersigned counsel has reviewed the information sufficiently to state in good faith that the information is exempt from discovery under the Public Information Act of Texas and is entitled to its classification specified above.

Certificate of Service

I certify that on the 7th day of February 2013, a true and correct copy of the foregoing instrument was served on all parties of record by electronic service and by hand delivery, Federal Express, regular first class mail, certified mail, or facsimile transmission.