

Control Number: 41497



Item Number: 3

Addendum StartPage: 0

SOAH DOCKET NO. 473-13-4333
PUC DOCKET NO. 41497

RECEIVED
2013 MAY 21 AM 9:30
PUBLIC UTILITY OFFICE
COMMISSION
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APPLICATION OF SOUTHWESTERN
PUBLIC SERVICE COMPANY FOR
AUTHORITY TO REVISE ITS FUEL
FACTORS USING THE FORMULAE
APPROVED IN DOCKET NO. 40133

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 1
FILING DESCRIPTION; DEADLINES;
AND ESTABLISHING PROCEDURAL SCHEDULE**

Southwestern Public Service Company (SPS or Company) filed an application on May 15, 2013, to revise its fixed fuel factor to be effective for electricity usage occurring on or after June 1, 2013. SPS states that its filing complies with the Public Utility Commission of Texas (Commission) final order in Docket No. 40133.¹ SPS seeks expedited approval of a revised fixed fuel factor on an interim basis.

The Commission has jurisdiction and authority over this proceeding pursuant to §§ 14.001 and 36.203 of the Public Utility Regulatory Act (PURA)² and P.U.C. Subst. R. 25.237. The Commission referred this case to the State Office of Administrative Hearings (SOAH) on May 16, 2013, requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if such is necessary.³ SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Tex. Gov't. Code § 2003.049.

Notice and Sufficiency of Application

If any party has an objection to SPS's notice, it shall file such by May 23, 2013. Commission Staff shall comment on the sufficiency of ETI's application on or before May 23, 2013.

¹ *Application of Southwestern Public Service Company for Authority to Revise its Fuel Factor Formulas; Change its Fuel Factors; and for Related Relief*, Docket No. 40133 (Mar. 22, 2012).

² Tex. Util. Code §§ 11.001-66017.

³ In its referral to SOAH, the Commission included a preliminary order establishing the issues to be addressed in this case.

Procedural Schedule

SPS requests adoption of its proposed revision to its fixed fuel factor on an interim basis no later than May 27, 2013. Any objections to this request shall be filed on or before May 23, 2013.

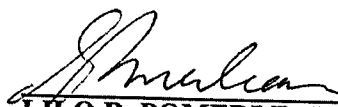
Requests to intervene and a request for hearing shall be filed on or before June 14, 2013. Pursuant to P.U.C. Subst. R. 25.237, if no hearing is requested by June 14, 2013, the interim order approving SPS's tariff sheet will become final without further orders.

Filing and Service Procedures

Responses to motions shall be due within three (3) working days of receipt of the motion.

All documents shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. Both the SOAH and PUC docket numbers must be included in the caption of all documents or other correspondence filed in this case. The Commission filing clerk will forward a copy of the documents to SOAH. Parties wishing to hand-deliver a file-stamped copy of a document to the ALJ, should deliver it to Room 504, 5th Floor, Clements Building, 300 W. 15th St., Austin, Texas. Parties may also email copies of documents, especially those that are time-sensitive, to the ALJ at lilo.pomerleau@soah.texas.gov.

SIGNED May 20, 2013.



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