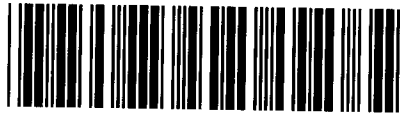


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SOAH DOCKET NO. 473-15-1556  
DOCKET NO. 43695

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APPLICATION OF SOUTHWESTERN §  
PUBLIC SERVICE COMPANY FOR §  
AUTHORITY TO CHANGE RATES §

BEFORE THE  
STATE OFFICIALS  
ADMINISTRATIVE HEARINGS

**TEXAS INDUSTRIAL ENERGY CONSUMERS' NOTICE OF INTENTION  
TO TAKE THE ORAL DEPOSITION OF MIKE LUTH BY AGREEMENT  
AND SUBPOENA DUCES TECUM**

TO: Mike Luth, by and through his attorney of record, Ron Moss, Winstead PC, 401 Congress Avenue, Suite 2100, Austin, Texas 78701.

PLEASE TAKE NOTICE that pursuant to Texas Rule of Civil Procedure 199.2, counsel for Texas Industrial Energy Consumers (TIEC) will take the oral deposition of **Mr. Mike Luth by agreement, on Wednesday, March 18, 2015, at 9:00 a.m.** at the offices of WINSTEAD PC, 401 Congress Avenue, Suite 2100, Austin, Texas 78701 and continuing from day to day thereafter until completed. The deposition will be recorded by sound and stenographic means, before an officer authorized by law to administer oaths. Parties are invited to attend to cross-examine the witness.

Pursuant to Texas Rule of Civil Procedure 199.3, service of this notice on Mr. Luth has the same effect as a subpoena served on Mr. Luth. Under Rule 199.2(b)(5), the deponent is also requested to produce at the deposition all documents (which shall include emails, recordings, or information stored or retained by some other electronic means) listed on the attached Exhibit "A" to this Notice for examination and copying.

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Respectfully submitted,

THOMPSON & KNIGHT LLP




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Rex D. VanMiddlesworth  
State Bar No. 20449400  
Benjamin Hallmark  
State Bar No. 24069865  
Jill R. Carvalho  
State Bar No. 24087266  
98 San Jacinto Blvd., Suite 1900  
Austin, Texas 78701  
(512) 469.6100  
(512) 469.6180 (fax)

ATTORNEYS FOR TEXAS INDUSTRIAL  
ENERGY CONSUMERS

### CERTIFICATE OF SERVICE

I, Benjamin Hallmark, Attorney for TIEC, hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 2<sup>nd</sup> day of March, 2015 by facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.



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Benjamin Hallmark

**SOAH DOCKET NO. 473-15-1556  
DOCKET NO. 43695**

<b>APPLICATION OF SOUTHWESTERN PUBLIC SERVICE COMPANY FOR AUTHORITY TO CHANGE RATES</b>	<b>§ § §</b>	<b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>
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**EXHIBIT "A"**

**Definitions:**

- A. "SPS," or "the Company" or refers to Southwestern Public Service Company, and its affiliates, subsidiaries, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
  
- B. The terms "document" or "documents" are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced or reproduced by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, data on computer drives, e-mail, cards, recordings, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. "Document" or "documents" shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.
  
- c. "You" and "your" refer to Mr. Mike Luth.

**Documents Requested for Production:**

- 1. All documents you reviewed, relied upon, created, or that were provided to you in preparation for your testimony in this proceeding.
  
- 2. All emails or other correspondence since January 2014 sent by or received by you relating to the allocation of costs to customer classes in this case, including any such correspondence relating to the MAC CCOS study, any other SPS CCOS studies, or the allocation of any SPS costs.
  
- 3. All emails or other correspondence since January 2014 sent by or received by you relating to the use of the MAC model for cost allocation.