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SOAH DOCKET NO. 473-16-1847
PUC DOCKET NO. 45291

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APPLICATION OF SOUTHWESTERN §
PUBLIC SERVICE COMPANY FOR §
APPROVAL OF TRANSACTION WITH §
XCEL ENERGY SOUTHWEST §
TRANSMISSION COMPANY, LLC AND §
RELATED APPROVALS §

BEFORE THE STATE OFFICE OF PUBLIC UTILITY COMMISSION
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 1
FILING DESCRIPTION; NOTICE OF PREHEARING CONFERENCE;
DISCOVERY, FILING, AND SERVICE REQUIREMENTS**

I. FILING DESCRIPTION

On October 29, 2015, Southwestern Public Service Company (SPS) filed with the Public Utility Commission of Texas (Commission) an application for approval of a transaction with Xcel Energy Southwest Transmission Company, LLC and related approvals. In an order issued November 23, 2015, Commission Administrative Law Judge (ALJ) Jeffrey J. Huhn determined that the application and notice were sufficient. On January 12, 2016, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of an ALJ to conduct a hearing and issue a proposal for decision, if necessary. In its referral order, the Commission set a deadline of January 25, 2016, to file lists of issues to be addressed in this proceeding and stated that the Commission will consider and possibly adopt a preliminary order in the February 11, 2016, open meeting.

The Commission has jurisdiction over this proceeding pursuant to PURA¹ §§ 14.001, 14.101, 14.154, 32.001, 36.001, 36.058, and 36.209, and 16 Texas Administrative Code (TAC) 25.74(b), 25.231(b), and 25.272. SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas Government Code § 2003.049.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-64.158 (PURA).

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II. PROCEDURAL SCHEDULE

The parties shall confer and, if possible, arrive at an agreed schedule for processing this case. If such an agreement is reached, SPS shall file the agreed schedule no later than **February 4, 2016**, and the ALJ will issue an order adopting the proposed schedule. If there is no such filing, there will be a prehearing conference as discussed in the next section

III. NOTICE OF PREHEARING CONFERENCE

If SPS does not submit an agreed procedural schedule by February 4, 2016, the ALJ will convene a **prehearing conference at 1:30 p.m. on February 8, 2016, at the SOAH hearing facilities located at the William P. Clements Office Building, 300 West 15th, Fourth Floor, Austin, Texas.** The following matters will be discussed:

1. Any pending motion **filed by February 4, 2016;**
2. A procedural schedule, including a date for the hearing; and
3. Any other matters that may assist in the disposition in a fair and efficient manner.

Those attending the prehearing conference are advised that they must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.

IV. DISCOVERY

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules.

V. FILING AND SERVICE PROCEDURES

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 also to hand-deliver to the ALJ a file-stamped copy of a document should deliver it to Room 504, 5th Floor, Clements Building, 300 W. 15th Street, Austin, Texas. If a document is time-sensitive and has been filed at the Commission, a copy may also be emailed to the ALJ's administrative assistant, Erin Hurley. In addition, routine procedural and logistical questions may be directed to Ms. Hurley at (512) 475-3419 or Erin.Hurley@soah.texas.gov. SOAH support personnel may not provide advice or interpret orders or regulations for the parties. All mail sent to the parties by the ALJ will be sent by email, first class mail, or fax, unless a party requests express mailing and provides an express mail account number.

VI. FILINGS BY LAURANCE KRIEGEL

On November 16, 2015, Laurance Kriegel filed a response to SPS's application. His response did not include a motion to intervene or other request for party status. On December 22, 2015, he filed a writ of execution and a motion for replevin. On December 29, 2015, SPS filed a response, asserting that Mr. Kriegel had not stated any claims for relief that the Commission has authority to grant. On January 7, 2016, Mr. Kriegel filed a response to SPS's response.

Pursuant to Commission rule, 16 TAC § 22.104, the deadline for motions to intervene in this case was 45 days after the application was filed, or December 14, 2015. Mr. Kriegel did not file a timely motion to intervene and is not a party to this docket.² In addition, as SPS points out, Mr. Kriegel has not shown that the Commission has jurisdiction to grant the relief he requests in

² Accordingly, the Commission did not include him on the service list the Commission provided when it referred this docket to SOAH.

this docket. Accordingly, the ALJ will take no further action regarding Mr. Kriegel's filings. A courtesy copy of this order is being mailed to Mr. Kriegel. Future orders and other documents issued by the ALJ will be sent only to the parties to this docket.

SIGNED January 21, 2016.



**ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**