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APPLICATION OF § BEFORE THE STATE OFFICE
SOUTHWESTERN PUBLIC §
SERVICE COMPANY TO ADJUST § OF
ITS ENERGY EFFICIENCY COST § ADMINISTRATIVE HEARINGS
RECOVERY FACTOR §

PUBLIC UTILITY COMMISSION
FILING CLERK

**AGREED MOTION TO WAIVE PREHEARING CONFERENCE AND UNOPPOSED
MOTION TO ADOPT AGREED PROPOSED PROCEDURAL SCHEDULE AND
WAIVE THE DEADLINE IN P.U.C. SUBST. R. 25.181(f)(9)(E)**

Southwestern Public Service Company ("SPS") respectfully files this Agreed Motion to Waive the Prehearing Conference and Unopposed Motion to Adopt the Agreed Proposed Procedural Schedule and to Waive the Deadline in 16 Tex. Admin. Code § 25.181(f)(9)(E) ("TAC"). The Office of Public Utility Counsel ("OPUC") and Texas Industrial Energy Consumers ("TIEC") agree to this motion to waive the prehearing conference, adopt the proposed procedural schedule and waive the deadline in TAC § 25.181(f)(9)(E). The Staff of the Public Utility Commission of Texas ("Staff") agrees to the motion to waive the prehearing conference and does not oppose the motion to waive the deadline in TAC § 25.181(f)(9)(E) or the adoption of the proposed procedural schedule.

I. MOTION TO WAIVE PREHEARING CONFERENCE

On May 5, 2016, SOAH Order No. 1 set an initial prehearing conference for June 7, 2016. The parties have conferred and have agreed upon a procedural schedule, which is presented in this pleading. Therefore, the parties respectfully request the Administrative Law Judge ("ALJ") enter an order waiving the prehearing conference scheduled for June 7, 2016.

**II. MOTION TO WAIVE THE DEADLINE IN TAC § 25.181(f)(9)(E) AND ADOPT
THE AGREED PROPOSED PROCEDURAL SCHEDULE**

On April 29, 2016, SPS filed its application to revise its EECRF rates effective January 1, 2017. TAC § 25.181(f)(9)(A) requires that for a utility in an area for which customer choice is not offered, the presiding officer must set a procedural schedule that will enable the Commission to issue a final order in the proceeding prior to the January 1 effective date of the utility's Energy Efficiency Cost Recovery Factor ("EECRF"), except for good cause. However, TAC § 25.181(f)(9)(E) provides that if a hearing is requested within 30 days of the filing of the

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application, the presiding officer must set a procedural schedule that will enable the Commission to issue a final order in the proceeding within 180 days after the application was filed, which for SPS would be October 29, 2016.

The parties have conferred and agreed to the following proposed procedural schedule that would enable the Commission to issue a final order in the proceeding prior to the January 1, 2017 deadline in TAC § 25.181(f)(9)(A). However, the proposed schedule would likely not enable the Commission to issue a final order by the 180-day deadline in TAC § 25.181(f)(9)(E). The parties therefore respectfully request the ALJ to enter an order waiving the 180-day deadline in TAC § 25.181(f)(9)(E) and adopting the following proposed procedural schedule. Staff does not oppose the adoption of this schedule or the waiver of the 180-day deadline.

Event:	Deadline:
Deadline for Intervention/Deadline to Request Hearing	June 3, 2016
Objections to SPS Direct Testimony	June 6, 2016
Replies to Objections	June 10, 2016
Settlement Conference/Deadline for Discovery on SPS Direct Testimony	June 29, 2016
Intervenor Direct Testimony Due	July 1, 2016
Objections to Intervenor Direct Testimony	July 6, 2016
Response to Objections	July 11, 2016
Staff's Direct Testimony Due	July 11, 2016
Objections to Staff's Direct Testimony	July 15, 2016
Response to Objections	July 20, 2016
SPS Rebuttal Testimony/Cross-Rebuttal Testimony	August 8, 2016
Objections to SPS Rebuttal/Cross-Rebuttal Testimony	August 12, 2016
Deadline for Discovery regarding Staff Direct, Intervenor Direct and SPS Rebuttal Testimony	August 12, 2016
Replies to Objections	August 17, 2016
Pre-hearing conference (if requested by the August 15, 2016)	August 19, 2016
Hearing on the merits	August 30, 2016

Workpapers are due the day after testimony is filed.

Discovery:

Responses to RFIs relating to SPS's Direct Testimony - 15 calendar days

Responses to all other RFIs – 10 calendar days

Objections to RFIs - 5 working days

Motions to Compel - 2 working days from receipt of objections

Responses to Motions to Compel - 2 working days of receipt

III. CONCLUSION

For the reasons set forth in this motion, the parties respectfully request the ALJ to waive the June 7, 2016 prehearing conference, waive the 180-deadline in TAC § 25.181(f)(9)(E) and adopt the agreed proposed procedural schedule.

Respectfully submitted,



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***ATTORNEYS FOR SOUTHWESTERN PUBLIC
SERVICE COMPANY***

CERTIFICATE OF SERVICE

I certify that on 3rd day of June, the foregoing document was filed with the Public Utility Commission of Texas, and a true and correct copy of it was served on the parties of record in this proceeding, by electronic mail, hand delivery, Federal Express, certified mail, or facsimile transmission.

