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SOAH DOCKET NO. 473-16-4019
PUC DOCKET NO. 45916

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

PUBLIC UTILITY COMMISSION
HEARING CLERK

SOAH ORDER NO. 3
ADOPTING PROPOSED PROCEDURAL SCHEDULE
AND GRANTING REQUEST TO WAIVE THE DEADLINE

On June 3, 2016, Southwestern Public Service Company filed an Agreed Motion to Waive the Prehearing Conference and Unopposed Motion to Adopt Proposed Procedural Schedule and Waive the Deadline.

The prehearing conference set for June 7, 2016, is **canceled**.

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.¹ However, 16 Texas Administrative Code (TAC) § 25.181(f)(9)(E) provides that if a hearing is requested within 30 days of the filing of the 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 16 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 16 TAC § 25.181(f)(9)(E). The parties requested an order waiving the 180-day deadline in 16 TAC § 25.181(f)(9)(E) and adopting a

¹ 16 Tex. Admin. Code § 25.181(f)(9)(A).

procedural schedule. Staff did not oppose the adoption of this schedule or the waiver of the 180-day deadline. The request is granted. The 180-day deadline in 16 TAC § 25.181(f)(9)(e) is waived.

The following procedural schedule is adopted:

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 August 15, 2016)	10:00 a.m. August 19, 2016
Hearing on the merits	9:00 a.m. 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

The hearing will convene at 9:00 a.m. on August 30, 2016 at the State Office of Administrative Hearings, 300 West 15th Street, 4th Floor, Austin, Texas. It is set for one day.

SIGNED June 6, 2016.



WENDY K.L. HARVEL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS