## WINSTEAD

233 448

# IQNavigator - Payment Request

# Payment Request - SPS 2015 PUCT EECRF (Energy Efficiency Cost Recovery Factor) 15 (5837077)

Actions: return to list

Rounding Errors will be handled by adjusting the first distribution rule amount for each line.

Payment Request Header

Billing Approvers

Billing Approvers: Review Only

Payment Request ID #: 3128833

Status: Submitted for Invoicing

Supplier Reference 2334383 Number:

Payment Request History 3

Retention Letter Total Budget: 75000.00 USD

Retention Letter Total Expenditures: 102127.07

This Payment Request Amount: 12979.48

Retention Letter Remaining Budget: -27127.07

# Payment Requests against this Retention Letter:

Final Payment Request for this No

Retention Letter:

Retention Letter Details

Buyer Organization: XE Legal Services

Outside Counsel: Winstead PC (XE Legal)

Outside Counsel Reporting Alias: Winstead PC

End Date: 12/31/15

Start Date: 2/2/15

Currency: USD

Payment Request Lines

SPS's annual PUCT energy efficiency plan and Matter Identifier: ES-15-C-00365

Retention Letter SPS 2015 PUCT EECRF (Energy Efficiency Name: Cost Recovery Factor) 15 (5837077)

https://augustus.ignavigator.com/Dispatcher?page=ProjectAgreementTransactionBrowser&element=View&OID=3128833&sig... 4/13/2016

Leila
Melhem,
03103 -
Line 1

Comments: Communicate with client regarding rebuttal testimony filing:  Task Code L190  Timekeeper AS  are Lelia  Quantity Rate Adjustment Type Type Amount # Start Date End Date Reject ed Amount:  1.4 275.00 Flat Hourly 385.00 8/11/15 8/11/15 Comments: Review Corner rebuttal testimony and prepare same for filing:  Comments: Review Corner rebuttal testimony and prepare same for filing:  Collier-Brown, Carrier  Quantity Rate Adjustment Type Type Type Amount # Start Date End Date Reject essification  Collier-Brown, Carrier  Quantity Rate Adjustment Type Type Type Amount # Start Date End Date Reject ed Amount:  2.8 250.00 Flat Hourly 700.00 9/11/15 9/11/15 Comments: Continue drafting post-hearing binef section on rate classes.  Comments: Continue drafting post-hearing binef section on rate classes.	Adj. Rate Unit Total Requested Amount:  0.2 275.00 Flat Hourly 55.00
ntract Deliverable Deliverable  # Start Date End Date  8/11/15 8/11/15 □  9:  # Start Date End Date  9/1/15 9/1/15 □	Comments: Communicate with clien Activity Code A106
ntract Deliverable Deliverable Reject # Start Date End Date 8/11/15 8/11/15 □ 9: # Start Date End Date 9/1/15 9/1/15 □	l ask Code L190 'imekeeper <sub>AS</sub> assification
ntract Deliverable Beject  8/11/15 8/11/15 □  9:  9: 9/1/15 9/1/15 □	
9:  ntract Deliverable Deliverable Reject  # Start Date End Date  9/1/15 9/1/15	nantity Rate Adjus
9: ntract Deliverable Deliverable Reject # Start Date End Date 9/1/15 9/1/15	1.4 275.00
ntract Deliverable Deliverable Reject # Start Date End Date 9/1/15 9/1/15	Comments: Review Comer rebuttal t Activity Code A104 Task Code L210 Timekeeper AS Classification
ntract Deliverable Deliverable Reject # Start Date End Date 9/1/15 9/1/15	Line 3 01921.99026 - Collier-Brown, Carrie
9/1/15	antity Rate Adjus
	2.8 250.00
	Comments: Continue drafting post-l Activity Code A103
	Task Code L460 imekeeper assification

Line 4 01921 99026 - Collier-Brown, Carrie

Requested Amount: Quantity Rate Adjustment

			Adj. Type	Adj. Rate ſype Type	Unit Type /	Adj. Rate Unit Total ( Type Type Type Amount	Contract #	Deliverable Start Date	Total Contract Deliverable Deliverable Amount # Start Date End Date	
	8.0	250.00		Flat	Flat Hourly 200.00	200.00		9/1/15	9/1/15	
Comments:	Review d administr	Review draft post-hearing brief sections on weather normalization and good cause exception for administrative expenses.	ig brief sect	ions c	n weath	ner norm	alization	and good c	ause excepti	on for
Activity Code A104	A104									
Task Code L460	L460									
Timekeeper Classification	AS									
Line 5 01921.99026 - Collier-Brown, Carrie	мп,Сагле									
Requested Amount:	Quantity	Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject	ment Adj. Type	Rate Type	Unit Type	Total (	Contract #	Deliverable Start Date	Deliverable End Date	Reject
	0.4	250.00		Flat	Flat Hourly 100.00	100.00		9/1/15	9/1/15	
Phone Comments: Facts.	Phone ca facts.	Phone calls and email correspondence with C. Quinn and S. Ferris regarding agreed statement of facts.	orresponde	nce w	iff C, C	tuinn and	S. Ferri	s regardıng	agreed state	ment of
Activity Code A107	A107									
Task Code L460	L460									
Timekeeper Classification	AS									
Line 6 01921.99026 - Collier-Brown, Carrie	ип,Сагле									
Requested Amount:	Quantity	Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject	ment Adj. Type	Rate Type	Unit Type	Total (	Contract #	Deliverable Start Date	Deliverable End Date	Reject
•	0.7	250.00		Flat	Flat Hourly 175.00	175.00		9/2/15	9/2/15	

Comments: OPUC, TIEC and Staff regarding briefing comments: Activity Code A107 Task Code L460 Timekeeper AS Classification

Line 7 01921.99026 - Collier-Brown, Carrie

https://augustus.ionavigator.com/Dispatcher?page=ProjectAgreementTransactionBrowser&element=View&OID=3128833&sig... 4/13/2016

Docket No. Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject Type Type Type Amount # Start Date End Date Adj. Rate Unit Total Contract Deliverable Deliverable Reject Quantity Rate Adjustment Type Type Type Amount # Start Date End Date Reject Comments: agreed statement of facts. S. Fogel, J. Cunningham and D. Shockley regarding post-hearing brief and agreed statement of facts. Complete draft brief section on rate classes, edit sections on weather normalization and good Comments: agreed statement of facts. Start Date End Date 9/2/15 9/2/15 9/3/15 9/2/15 9/2/15 9/3/15 Requested Amount:

Quantity Rate Adjustment Type Type Amount Flat Hourly 1425.00 Flat Hourly 200.00 Flat Hourly 200.00 Comments: cause exception, and revise agreed statement of facts. 250.00 250.00 250.00 Line 9 01921.99026 - Collier-Brown, Carrie Line 8 01921 99026 - Collier-Brown, Carrie 8.0 Activity Code A106 **Activity Code A106 Activity Code A103** Task Code L460 Task Code L460 Task Code L460 0.8 Timekeeper Classification 5.7 Classification AS Timekeeper AS Classification Timekeeper Requested Amount: Requested Amount:

Line 10 01921 99026 - Collier-Brown, Carne

4/13/2016

9/3/15

9/3/15

Flat Hourly 150.00

250.00

9/3/15

Flat Hourly 1650.00

250.00

Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject 9/4/15 Flat Hourly 425.00 250.00 1.7 Requested Amount:

Comments: Review post-hearing briefs from Staff, OPUC and TIEC. Activity Code A104

Task Code L460

Timekeeper AS Classification

Line 13 01921.99026 - Collier-Brown, Carrie

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Reject

Docket No.

Requested Amount: Quantity Rate Adjustment

IQNavigator - Payment Request

Page 271 of 286 Docket No. Reject Adj. Rate Unit Total Contract Deliverable Deliverable Reject Adj. Rate Unit Total Contract Deliverable Deliverable Reject Comments: Confer with M. Loftus, B. Trammel, J. Cunningham and S. Fogel regarding post-hearing brief, agreed statement of facts and briefing outline. Adj. Rate Unit Total Contract Deliverable Deliverable Type Type Type Amount # Start Date End Date Start Date End Date Start Date End Date Comments: Confer with S. Ferris, AJ Smullen and B. Hallmark regarding agreed statement of facts. 9/4/15 9/4/15 9/4/15 9/4/15 9/4/15 Comments: Finalize post-hearing brief, agreed statement of facts and briefing outline. Quantity Rate Adjustment Type Type Type Amount Quantity Rate Adjustment Type Type Type Amount Flat Hourly 1325.00 Flat Hourly 150.00 Flat Hourly 225.00 Requested Amount: Quantity Rate Adjustment 250.00 250.00 250.00 Line 14 01921.99026 - Collier-Brown, Carne Line 15 01921.99026 - Collier-Brown, Carrie Line 16 01921.99026 - Collier-Brown, Carrie Activity Code A107 **Activity Code A103** Activity Code A106 Task Code L460 Task Code L460 Task Code L460 9.0 5.3 6.0 Timekeeper AS Timekeeper AS Classification Timekeeper AS Classification Classification Requested Amount: Requested Amount:

4/13/2016 https://augustus.iqnavigator.com/Dispatcher?page=ProjectAgreementTransactionBrowser&element=View&OID=3128833&sig...

Attachment MVP-5

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4/13/2016

Task Code L460 Timekeeper AS Classification Line 19 01921.99026 - Collier-Brown, Carrie

Requested Amount: Quantity Rate Adjustment Type Type Type Amount # Start Date End Date Reject

IQNavigator - Payment Request

Comments: Phone calls and email correspondence with M. Loftus, M. Pascucci and J. Cunningham regarding Reply Brief.

Activity Code A106

Task Code L460

Timekeeper

Classification

Line 23 01921.99026 - Collier-Brown, Carrie

Total Contract Deliverable Deliverable Reject Start Date End Date Quantity Rate Adjustment Adj. Rate Unit Total C Requested Amount:

Flat Hourly 425.00

250.00

Comments: Review Reply Briefs filed by Staff, OPUC, and TIEC.

Activity Code A104

Task Code L460

Timekeeper AS Classification

Line 24 01921.99026 - Collier-Brown, Carrie

Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject Type Type Type Amount # Start Date End Date Requested Amount:

9/11/15

Flat Hourly 900.00

3.6

250.00

Comments: Finalize and file Reply Brief, proposed findings of fact and conclusions of law

Activity Code A103

Task Code L460

Timekeeper AS Classification

Line 25 01921.99026 - Collier-Brown, Carrie

Quantity Rate Adjustment Type Type Type Amount # Start Date End Date Reject

0.8 Requested Amount:

250.00

Flat Hourly 200.00

9/11/15

Attachment MVP-5

9/11/15

Comments:

457

IQNavigator - Payment Request

Confer with M. Loftus, B Trammell and J. Cunningham regarding Reply Brief, proposed findings of fact and conclusions of law.

Activity Code A106 Task Code L460 Timekeeper AS Classification Line 26 01921.99026 - Collier-Brown, Carrie

Total Contract Deliverable Deliverable Start Date End Date Comments: Email correspondence with M. Loftus regarding corrected Reply Brief. Quantity Rate Adjustment Adj. Rate Unit Total C Flat Hourly 50.00 250.00 **Activity Code A106** Task Code L460 0.2 Timekeeper AS Classification Requested Amount:

Line 27 01921.99026 - Collier-Brown, Carrie

Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject Type Type Type Amount # Start Date End Date 9/14/15 Flat Hourly 100.00 Comments: Draft and file with PUC corrected Reply Brief. 250.00 Activity Code A103 Task Code L460 Requested Amount:

Timekeeper AS

Line 28 01921.99026 - Collier-Brown, Carrie

Docket No. Quantity Rate Adjustment Type Type Type Amount # Start Date End Date Reject 9/14/15 9/14/15 Flat Hourly 75.00 250.00 Requested Amount:

Attachment MVP-5 Page 275 of 286

Comments: Phone call with S. Ferris regarding reply brief.

Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject Type Type Type Amount # Start Date End Date Quantity Rate Adjustment Type Type Type Amount # Start Date End Date 9/16/15 Comments: Review OPUC's and Staff's proposed findings of fact and conclusions of law. 9/16/15 Flat Hourly 200.00 Flat Hourly 50.00 Comments: Review TIEC's letter regarding Staff's Reply Brief. 250.00 250.00 Line 29 01921.99026 - Collier-Brown, Carrie Line 30 01921.99026 - Collier-Brown, Carrie **Activity Code A104** Task Code L460 0.2 Classification AS Timekeeper AS Classification Timekeeper Requested Amount: Requested Amount:

Line 31 E107 - Delivery Services/Messengers

Activity Code A104

Task Code L460

Timekeeper AS Classification

Attachment MVP-5 Page 276 of 286 Docket No. Quantity Rate Adjustment Adj. Rate Unit Total Contract Deliverable Deliverable Reject Type Type Type Amount # Start Date End Date Comments: Corporate Couriers, Corporate Couriers-Austin: Corporate Courier Delivery for Period Ending 9/15/15. 9/15/15 9/15/15 Flat Each 114.48 114.48 Requested Amount: **Activity Code** 

Activity Code A107 Task Code L460

IQNavigator - Payment Request

IQNavigator - Payment Request

Timekeeper Classification Task Code

Payment Request Distribution

Details: Purchase Order:

Matter Number: Accounting Code: SPS

Cost Allocation Business Unit Object Subsidiary Subledger Subledger Type ≷ 11825631 Line Amount: 12979.48 748163 Percentage: 100 620004 Distribution [ Code 1:

Distribution Rule 1:

Cost Allocation Cost Type 1 Cost Object 1 Legal Entity Code 2:

SPS

return to list Actions:

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Docket No.

# **COURIER SERVICE**

Attachment MVP-5
Page 279 of 286
Docket No.

### **INVOICE**

CORPORATE COURIERS 2335 KRAMER LANE, STE. F AUSTIN, TX 78758 41998 | Involve No. | Customer No. | 38809 | 2300 | Invo Date | Total Due | 9/15/15 | 914.36 |

WINSTEAD PC 401 CONGRESS AVE SUITE 2100 AUSTIN, TX 78701

NOW ACCEPTING VISA, M/C & AMEX FOR INVOICE PAYMENT PLEASE CALL 512.479.4007 TO GET SETUP.

			Customer No.	Invoice No.	Period Ending	Amount Due	Pg		
			2300	38809	9/15/15	914.36	9		
ate	Ordr No.	Svc		Service	Detail			Charges	Total
		Reference		Description		Orders Tota	M Amt		
		1709-48015	<u>.</u>			11	11.88		
		215-999993	·1 1-000215		and a second to their	1	6.48 6.48_		
		215 22926-449			at your factors in second submitted to the second s	<u> </u>	33.44 12.96		
		1348 45470-1					19.44 6.48		
				•			91.80		
		1846 52219.121	HMOSS		-9		97.20 23.76		
		1895 53646-54 C	CBROWN		e e e e e e e e e e e e e e e e e e e	1	114.48.		
		110() 2/030-1					86.40		
		372 57649-3 18176 57957.1 193 (58042/2-1	CCRROWN.				12.96		
		7092:9999		•		}	12.96 25.92		
		7214:99999		<b>-</b>	w. w 2 4 4 5 5 5 6 6 7		23.88		
		999993-1 SDI RESIDI	INTIAL LLC 58	2러8			19.44		
					Reference Totals	: 50	914.36		
					Total Amount Du	•: 50	914.36		
		039	0-00999 Odmun	7-5710	-001				
		*	0.0099 - Clum	) - o(	)-001				
		*	0.0099 - Clum	9-1530	)-001				
		*	0.0099 - Clum	9-1530	)-001				
		*	0.0099 - Clum	9-1530	)-001				

INVOICE PAYMENT DUE UPON RECEIPT

INVOICE

Attachment MVP-5 Page 280 of 286 Docket No. \_\_\_\_\_

CORPORATE COURIERS
2335 KRAMER LANE, STE. F
AUSTIN, TX 78758
41998

Involce No.	Customer No.
38809	2300
Invc Date	Total Due
9/15/15	914.36
	1
	ì

WINSTEAD PC 401 CONGRESS AVE SUITE 2100 AUSTIN, TX 78701

NOW ACCEPTING VISA,M/C & AMEX FOR INVOICE PAYMENT PLEASE CALL 512,479,4007 TO GET SETUP.

			Customer No. Invoice No.	Period Ending	Amount Due	Pg		
			2300 36809	9/15/15	914.36	2		
Date	Ordr No,	8vc	Service	e Detail			Charges	Total
/15/15	593415	2HR	WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: BEATRIZ CATANO Time: 12:43 Signed: N CAMARILLO	4900 NORTH LAMAI	N SERVICESCOMMISS R, MC-1070 TX 78751	ION Base : Puel Srchg:	6.00	6.48
			Total Charges for	Ref 47602-2:	6.48			
/03/15	590936	2HR	WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: SUSAN CASEY Time: 10:14 Signed: TASI HERNANDEZ	WILD BASIN INVE 5806 MESA DRIVE AUSTIN Wght: 1 Lbs	TX 78731	Base : Puel Srchg:	11.00	11.68
			Total Charges for	Ref 52037-1:	11.08			
/14/15	593159	1HR 4HR	WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: BEVERLY LAWYER Time: 14:29 Signed: SUSAN DUNN	WILLIAMSON COUNT 405 MLK STREET GEORGETOWN Wght: 2 Lbs	TY CLERK	Base : Return ; Fuel Srchg:	45.00 40.00 6.80	91.80
Ì			Total Charges for R	ef. ~ 52919-121:	91.80			
/03/15	591034	1HR 1HR	WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: ANDY ARTHUR Time: 14:19 Signed: SUSAN DUNN	WILLIAMSON CNTY 405 MLK ST GEORGETOWN Wght: 1 Lbe	TX 78626	Base : Return : Puel Srchg:	45 00	97.20
			Total Charges for R					
/08/15	591823	EXP	WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: STEPHANIE BARRER Time; 13:51 Signed: S DUNN	PUBLIC UTILITY ( 1701 NORTH CONGRAUSTIN Wght: 1 Lbs	COMMISSION RESS TX 78701	Base : Return : Puel Srchg:	11.00	23.76
			Total Charges for Ref	53646-51 RHMOSS:	23.76			
/04/15	591248	EXP EXP	WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: STEPHANIE BARRER Time: 11:58 Signed: DUNN	PUBLIC UTILITY ( 1701 NORTH CONGI AUSTIN Mght: 1 Lbs	COMMISSION RESS TX 78701	Base : Return : Fuel Srchg:	11.00 11.00 1.76	23.76
/04/15	591312	1HR	WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: STEPHANIE BARRER Time: 14:38 Signed: CAGE	SOAH 300 W. 15TH STRI AUSTIN Wght: 1 Lbs	BET TX 76701	Base : Fuel Srchg:	6,00	6.48
								Continued
							1	
							1	

**INVOICE PAYMENT DUE UPON RECEIPT** 

### **INVOICE**

Attachment MVP-5
Page 281 of 286
Docket No.

CORPORATE COURIERS
2335 KRAMER LANE, STE. F
AUSTIN, TX 78758
41998

invoice No.	Customer No.
38809	2300
Invc Date	Total Due
9/15/15	914.36
	i i

WINSTEAD PC 401 CONGRESS AVE SUITE 2100 AUSTIN, TX 78701

NOW ACCEPTING VISA, M/C & AMEX FOR INVOICE PAYMENT PLEASE CALL 512.479.4007 TO GET SETUP.

592691 592753 592754	EXP	Signed: DUNN WINSTEAD PC 401 CONGRESS AV AUSTIN Caller: STEPHAN Signed: DANIEL WINSTEAD PC 401 CONGRESS AV AUSTIN	/E TX 78701 NIE BARRER //E TX 78701	Time: 14:48	PUBLIC UTILITY C 1701 NORTH CONGR AUSTIN Wght: 1 Lbe  SOAH 300 W. 15TH STRE AUSTIN Wght: 1 Lbs  THOMPSON & KNIGH	TX 78701 TX 78701 TX 78701		: 11.00	
592691 592753 592754	EXP	401 CONGRESS AVAUSTIN Caller: STEPHAN Signed: DUNN WINSTEAD PC 401 CONGRESS AVAUSTIN Caller: STEPHAN Signed: DANIEL WINSTEAD PC 401 CONGRESS AVAUSTIN Caller: STEPHAN Caller: STEPHAN	/E TX 78701 NIE BARRER //E TX 78701	Time: 12:42	PUBLIC UTILITY C 1701 NORTH CONGR AUSTIN Wght: 1 Lbe  SOAH 300 W. 15TH STRE AUSTIN Wght: 1 Lbs  THOMPSON & KNIGH	TX 78701 TX 78701 TX 78701	Return Fuel Sr Base	: 11.00 chg: 1.76	
592754	EXP	401 CONGRESS AV AUSTIN Caller: STEPHAN Signed: DANIEL WINSTEAD PC 401 CONGRESS AV AUSTIN Caller: STEPHAN	VE TX 78701	Time: 14:48	300 W. 15TH STRE AUSTIN Wght: 1 Lbs THOMPSON & KNIGH				
		401 CONGRESS AV AUSTIN Caller: STBPHAN	VE TX 76701 NIE BARRER			m 115			
593060				Time: 14:50	AUSTIN Wght: 1 Lbs	1LVD TX 78701	Base Puel Sr		
	EXP	WINSTEAD PC 401 CONGRESS AV AUSTIN Caller: STEPHAP Signed: DUNN	VE TX 78701 NIE BARRER	l Time: 10:33	PUBLIC UTILITY ( 1701 NORTH CONGR AUSTIN Wght: 1 Lbs	COMMISSION RESS TX 78701	Base Return Fuel Sr	: 11.00	
593064	1HR	WINSTEAD PC 401 CONGRESS AV AUSTIN Caller: STEPHAN Signed: TATE	VE TX 78701 NIB BARRER	l Time: 10:37	AUSTIN	TX 78701			
593067	1HR	Caller: STEPHA	NIE BARRER	1 Time: 10:40	OR CAN JACINTO	RLVD.	Base Fuel Sr	: 6.00 rchg: .48	
592644	1HR 4HR	WINSTEAD PC 401 CONGRESS A	VE TX 7870 RTHUR	1 Time: 10:27	SECRETARY OF ST. 1019 BRAZOS ST AUSTIN Wght: 1 Lbs	ATE TX 78701	Return	: 6.00	
				-					Continued
	593067	593064 1HR 593067 1HR 592644 1HR 4HR	593064 1HR WINSTEAD PC 401 CONGRESS A AUSTIN Caller: STEPHA Signed: TATE  593067 1HR WINSTEAD PC 401 CONGRESS A AUSTIN Caller: STEPHA Signed: KELSOE  Total  592644 1HR WINSTEAD PC 401 CONGRESS A AUSTIN Caller: ANDY A	S93064 1HR WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 7870 Caller: STEPHANIE BARRER Signed: TATE  593067 1HR WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 7870 Caller: STEPHANIE BARRER Signed: KELSOE  Total Charges  1HR WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 7870 Caller: ANDY ARTHUR Signed: DUNN	S93064 1HR WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: STEPHANIE BARRER Time: 10:37 Signed: TATE  WINSTEAD PC 401 CONGRESS AVE AUSTIN TX 78701 Caller: STEPHANIE BARRER Time: 10:40 Signed: KELSOE  Total Charges for Ref 53 Total Charges for Ref 53 AUSTIN TX 78701 Caller: ANDY ARTHUR Time: 10:27 Signed: DUNN	S93064 1HR WINSTEAD PC 401 CONGRESS AVE AUSTIN Caller: STEPHANIE BARRER Time: 10:37 Wght: 1 Lbs Signed: TATE  WINSTEAD PC 401 CONGRESS AVE AUSTIN Caller: STEPHANIE BARRER Time: 10:40 Wght: 1 Lbs Signed: KELSOE  Total Charges for Ref 53646-54 CCBROWN:  TOTAL CHARGES AVE AUSTIN TOTAL CHARGES ST AUSTIN CALLER: ANDY ARTHUR Time: 10:27 Wght: 1 Lbs Signed: DUNN	Solid   Soli	S93064 1HR WINSTEAD PC SOAM SOAM AUSTIN TX 78701 AUSTIN TX 78701 THOMPSON & KNIGHT LLP Base Fuel Start Signed: TATE  593067 1HR WINSTEAD PC THOMPSON & KNIGHT LLP Base 98 SAN JACINTO BLVD. Fuel Start Signed: KELSOE  Total Charges for Ref 53646-54 CCBROWN: 114.48  S92644 1HR WINSTEAD PC SECRETARY OF STATE AUSTIN TX 78701 Fuel Start Signed: KELSOE  Total Charges for Ref 53646-54 CCBROWN: 114.48  592644 1HR WINSTEAD PC SECRETARY OF STATE AUSTIN TX 78701 Fuel Start Signed: AUSTIN TX 78701 AUSTIN TX 78701 Fuel Start Signed: DUNN	Second   S

INVOICE PAYMENT DUE UPON RECEIPT

WINSTEAD Austin Charlotte Dallas Fort Worth Houston New Orleans San Antonio The Woodlands Washington, D.C.

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March 27, 2015

401 Congress Avenue Suite 2100 Austin, Texas 78701

512.370.2800 OFFICE 512.370.2850 FAX winstead.com

direct dial: (512) 370-2867 e-mail: rhmoss@winstead.com

Mr. Stephen Fogel Xcel Energy Services Inc. 816 Congress Avenue, Suite 1650 Austin, Texas 78701

Re:

Xcel Energy Matter: 2015 EECRF Filing Xcel Matter Number: ES-15-C-00365

Winstead File No.: 53646-54

Dear Mr. Fogel:

Attached is a budget for our firm's work on Southwestern Public Service Company's ("SPS") behalf in the 2015 Energy Efficiency Cost Recovery Factor ("EECRF") filing at the Public Utility Commission of Texas. In connection with this engagement, we will assist SPS in drafting pleadings and testimony; preparing discovery requests and responses to discovery; appearing at hearings; and drafting post-hearing briefs, to the extent necessary. We may also participate in other aspects of the case if requested by SPS.

As shown on the attached budget, we believe that the total fees and expenses for this matter will be \$75,000. If the matter settles, it will reduce the estimated budget amount.

It is our plan to staff this proceeding in the most cost-effective manner for SPS's benefit. The attorneys providing services on this matter will be Ron Moss, whose hourly rate is \$375.00, Carrie Collier-Brown, whose hourly rate is \$250.00, and Leila Melhem, whose hourly rate is \$275.00. If other attorneys need to be involved as the matter develops, we will not employ their assistance without your prior approval of the additional attorneys and the rates to be charged by those attorneys on this matter.

This is an estimated budget, and it constitutes our best judgment at this time. We will keep you updated on the actual versus budgeted amount on this matter. If at any time it appears likely that we will exceed this budget, we will immediately submit a revised budget explaining the developments that are causing us to exceed the initial budget.

Mr. Stephen E. Fogel Xcel Energy Services March 27, 2015 Page 2

Please do not hesitate to contact me if you have questions about this budget letter or the scope of the work that we have been asked to perform on SPS's behalf. We appreciate the opportunity to represent SPS in this important matter.

Very truly yours,

WINSTEAD, PC

A Professional Corporation

Bv:

Ron H. Mos

RHM/tm

Enclosure

### **Budget Form for 2015 EECRF Filing**

Matter: Southwestern Public Service Company - 2015 EECRF Filing

### Tasks to be done

A BOAG TO BE GOAF	
Prepare pleadings and initial testimony	\$15,000
Assist with discovery	\$15,000
Prepare rebuttal testimony	\$15,000
Prepare for and appear at hearing	\$15,000
Draft post-hearing briefs	\$14,000
Estimated Expenses	
Miscellaneous expenses	\$1,000
Subtotal of Fees and Expenses	\$75,000
Applicable taxes	0
Total Budget	\$75,000

252



Matthew Loftus
Assistant General Counsel

816 Congress Avenue, Ste. 1650 Austin, Texas 78701-2471 Phone: 512-478-7267 Fax: 512-478-9232 Matthew.P.Loftus@xcelenergy.com

February 2, 2015

VIA E-MAIL Ron H. Moss Winstead PC 401 Congress Avenue, Suite 2100 Austin, Texas 78701

> RE: Xcel Energy Matter: SPS 2015 PUCT EECRF Xcel Matter Number: ES-15-C-00365

Dear Mr. Moss:

Xcel Energy Services Inc. ("Xcel Energy") intends to retain your legal services in connection with the above referenced matter on behalf of Xcel Energy Inc. or one of Xcel Energy Inc.'s subsidiaries. This retention letter incorporates by reference the Outside Counsel Guidelines. Accepting this representation indicates that you have performed a conflicts check and all conflicts, if any, have been resolved by a writing signed by Xcel Energy.

Please reference the specific Xcel Energy Matter Name and our File Number on all correspondence and all other documents pertaining to this matter. If you engage a third party vendor to support your services in this matter, please convey to them that they must reference the exact information on correspondence and documents.

If the arrangement outlined in this letter is acceptable, please sign, date, and return a copy of this letter. We look forward to working with you on this matter.

Sincerely,

Matthew P. Loftus

ACCEPTED AND AGREED TO THIS

(Sign)

[Please complete second page and return to sender with this letter, signed and dated.]

Firm's File No.:			
Firm's Managing Attorney: Hourly Rate: \$375 /hr	Fow Moss	Timekeeper#	
Attorneys/Paralegals designated	to work on this matter:		
Name:	Timekeeper #	Hourly Rate	
Row Moss		\$ 375	
Carrie Collier - Bro Leila Melhem	un	s 375°° s 250°° s 275°°	
Leila Melhem		s 275°°	
Firm's Current Year Estimated	Fees Budget:	\$ 75,000.00	
Firm's Current Year Estimated	Disbursements Budget:	\$	
Current Year Estimated Expert (if costs are anticipated to be in	-	\$	

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### PUBLIC UTILITY COMMISSION OF TEXAS

### Affidavit of Stephen J. Davis

STATE OF TEXAS		
TRAVIS COUNTY		

Stephen J. Davis, first being sworn on his oath, states:

### Background and Purpose of Affidavit

- 1. My name is Stephen J. Davis. I am the sole practitioner in the Law Offices of Stephen J. Davis, P.C. My business address is 301 Congress Avenue, Suite 1050, Austin, Texas 78703.
- I am retained by Winstead PC ("Winstead") as a non-testifying expert to 2. assist in the preparation and prosecution of Southwest Public Service Company's ("SPS") current energy efficiency cost recovery factor ("EECRF") application in this proceeding. The scope of my engagement is to review the rate case expenses incurred by SPS in its 2015 EECRF proceeding, Docket No. 44698, Application of Southwestern Public Service Company to Adjust its Energy Efficiency Cost Recovery Factor, and to opine on the reasonableness and necessity of those expenses in this Affidavit. My review and evaluation of the rate case expenses incurred in Docket No. 44698 encompasses three areas: (1) the expenses for legal services provided by Winstead, the outside law firm engaged to represent SPS in Docket No. 44698, including courier service and courtreporting expenses; (2) the expenses incurred in Docket No. 44698 for the professional services that I provided in my capacity as a non-testifying consultant who submitted an affidavit addressing the reasonableness of the rate case expenses incurred during SPS's 2014 EECRF proceeding, Docket No. 42454, Application of Southwestern Public Service Company to Adjust its Energy Efficiency Cost Recovery Factor; and (3) the travel-related expenses incurred by internal personnel employed by SPS or Xcel Energy Services Inc.

("XES") and other miscellaneous internal expenses, such as postage and Federal Express service expenses, incurred during the course of Docket No. 44698. The rate case expenses incurred in Docket No. 44698 did not include any expenses incurred by the Alliance of Xcel Municipalities. The combined total of the rate case expenses incurred in Docket No. 44698 for which SPS seeks recovery in this proceeding is \$109,018.17. All of the invoices and supporting documentation that I reviewed are provided as Attachment MVP-5, Summary of Rate Case Expenses and Adjustments from Docket No. 44698. The attached invoices and documentation (including invoice spreadsheets) are organized according to the month in which SPS paid the expense. The expenses in a particular month may encompass activities or expenses occurring in a single preceding month or multiple preceding months.

- 3. I have based my opinion on the reasonableness and necessity of the rate case expenses incurred in Docket No. 44698 upon consideration of: (1) the nature, extent, and difficulty of the work performed by the attorney or professional; (2) the time and labor required and expended by the attorney or professional; (3) the fees and other consideration paid to the attorney or other professional for the services rendered; (4) the expenses incurred for lodging, meals and beverages, transportation, and other services or materials; (5) the nature and scope of the rate proceeding, including: (a) SPS's size and the number and type of customers it serves; (b) the amount of money or value of property or interest at stake; (c) the novelty or complexity of the issues addressed; (d) the amount and complexity of discovery; and (e) the occurrence and length of a hearing; and (6) the specific issues in the case and the amount of rate-case expenses reasonably associated with each issue. The scope of my analysis also includes a review of each attorney's and professional's qualifications, the retention agreements and budget letter for legal and professional services, and the invoices and receipts for legal, professional, travel, and miscellaneous expenses.
- 4. I am a licensed member of the State Bar of Texas in good standing since November 1983. I have extensive experience in reviewing rate case expenses based upon my employment as an Administrative Law Judge (ALJ) in the Commission's Hearing Division (1989-1995) and as the Deputy Chief and Chief of the Commission's Office of Policy Development (1995-2000).

5. I have personal knowledge of the facts stated in this Affidavit, which are true. In my judgment and based upon my professional experience, the opinions stated and conclusions reached in this Affidavit are true, valid, and accurate.

### Legal and Professional Services Rate Case Expenses

- Two attorneys employed by Winstead performed and billed for legal 6. services in Docket No. 44698. The hourly rates for the two lawyers retained to perform these services were as follows: Carrie Collier-Brown's hourly rate was \$250.00 and Leila Melhem's hourly rate was \$275.00. These hourly rates match the hourly rates specified for these two attorneys in the retention letter executed in February 2015 and the budget letter submitted in March 2015. Although both documents indicated Mr. Ron Moss would provide legal services in Docket No. 44698, he ultimately did not do so. I have personal knowledge of Ms. Collier-Brown's expertise and experience based upon my previous work on various utility and other regulatory matters in which she was also engaged. I refreshed my understanding of her education and experience by reviewing her resume at www.winstead.com. Her hourly rate is commensurate with her years of experience and types of cases upon which she has worked. It is also within the range of reasonable hourly rates for utility practitioners with comparable experience representing electric utilities before the Commission. I do not have personal knowledge of Ms. Melhem's expertise and experience, but I reviewed her education and experience by examining her resume at www.winstead.com. Her hourly rate is commensurate with her years of experience and types of cases upon which she has worked. It is also within the range of reasonable hourly rates for utility practitioners with comparable experience representing electric utilities before the Commission. In my opinion, the hourly rate for each of the two Winstead attorneys is reasonable. Based upon the scope of work assigned to each of these attorneys, their employment was necessary to SPS's preparation, prosecution, and defense of its 2015 EECRF case.
- 7. Ms. Collier-Brown performed legal services on behalf of SPS in its 2013 and 2014 EECRF proceedings, Docket Nos. 41446 and 42454, respectively. Ms. Collier-Brown is an Associate at Winstead who focuses her practice on utility law and energy regulatory law. She has extensive electric utility and regulatory experience based in large part upon her previous employment at the Commission. Given her utility regulatory

experience and representation of SPS in the utility's 2013 and 2014 EECRF cases, Docket No. 41446 and 42454, her services were reasonable and necessary to the successful preparation, prosecution, and defense of Docket No. 44698. Ms. Collier-Brown's hourly rate of \$250.00 is reasonable and within the range of reasonable hourly rates charged by other practitioners with comparable experience representing utilities in rate proceedings before the Commission. Ms. Melhem is also an Associate who focuses her practice on utility law and energy regulatory law. She has assisted in the representation of SPS in its most recent base rate case, Docket No. 43695, Application of Southwestern Public Service Company for Authority to Change Rates. Given her utility regulatory experience, her services were reasonable and necessary to the successful preparation, prosecution, and defense of Docket No. 44698. Ms. Melhem's hourly rate of \$275.00 is reasonable and within the range of reasonable hourly rates charged by other practitioners with comparable experience representing utilities in rate proceedings before the Commission.

- 8. I reviewed the Winstead invoices for the work performed by Ms. Collier-Brown and Ms. Melhem during the period January-September 2015. With the exception of 1.6 hours of legal services performed by Ms. Melhem in August 2015, Ms. Collier-Brown performed all of the legal services provided by Winstead in Docket No. 44698. When Ms. Collier-Brown took maternity leave in mid-September 2015, SPS in-house attorney Mr. Matthew Loftus performed legal services on SPS's behalf for the remainder of the proceeding. Mr. Collier-Brown's last invoice entry occurred on September 17, 2015. Winstead did not submit any invoices for the performance of legal services in Docket No. 44698 after this date.
- 9. For purposes of my evaluation of the Winstead invoices for legal services, I reviewed the procedural history of Docket No. 44698 and certain filings in the docket made available on the Commission's Interchange. Four parties actively participated in Docket No. 44698: SPS, Texas Industrial Energy Consumers (TIEC), Office of Public Utility Counsel (OPUC), and Staff. The procedural milestones in Docket No. 44698 included:
  - SPS's Application, including prefiled Direct Testimony (May 1, 2015)
  - Referral of the Docket to the State Office of Administrative Hearings (SOAH) (May 4 and May 5, 2015)

- Preliminary Order, including lists of issues submitted by parties (May 22, 2015)
- Supplemental Preliminary Order, addressing Threshold Legal/Policy Issues briefed by parties at Staff's request (June 24, 2015)
- Technical/Settlement Conference (July 6, 2015)
- OPUC Direct Testimony (July 24, 2015);
- Staff Direct Testimony (July 31, 2015);
- OPUC and Staff Cross-Rebuttal Testimonies (August 11, 2015)
- SPS Rebuttal Testimony (August 11, 2015)
- TIEC and Staff Statements of Position (August 17, 2015)
- Hearing on Merits (August 20, 2015)
- Initial Briefs and Reply Briefs (September 4, 2014 and September 11, 2015)
- Proposal for Decision (November 16, 2015)
- Exceptions and Responses to Exceptions (November 30 and December 7, 2015)
- Commission Open Meeting (December 17, 2015)
- Order Adopting PFD (January 6, 2016)

OPUC served SPS with two sets of discovery; Staff served SPS with three sets of discovery. SPS did not formally dispute any of these requests for information. SPS also responded to informal discovery requests following prefiling meetings with OPUC and Staff held on April 22, 2015 and the Technical/Settlement Conference conducted on July 6, 2015.

10. In its application, SPS sought approval of an EECRF Rider designed to recover \$2,845,862. SPS subsequently adjusted the requested amount to \$2,674,540 to reflect certain Staff adjustments it did not contest. As reflected in the PFD, three contested issues (one issue raised by OPUC, two issues raised by Staff) were ultimately litigated in the proceeding after attempts to settle the docket did not succeed. The three contested issues and the identity of the party raising each issue were as follows: (1) whether the Commission should grant SPS's request for a good cause exception to recover \$32,895 in program year 2014 administrative expenses that exceeded the administrative cost cap (Staff); (2) whether SPS should be required to use a 10-year weather average instead of a 30-year weather average to estimate its 2016 EECRF billing determinants (OPUC); and (3) which EECRF rate classes SPS should use in 2016 (Staff). In addressing the second and third issues, the positions taken by SPS were consistent with the Commission's decisions on identical contested issues litigated in SPS's previous EECRF proceeding, Docket No. 42454. In Docket No. 44698, the PFD adopted SPS's

position on each of three contested issues and recommended approval of an EECRF Rider designed to recover the adjusted amount requested by SPS.<sup>1</sup> The Commission's Order adopted the PFD, including findings of fact and conclusions of law, and approved SPS's adjusted request for approval of an EECRF Rider designed to recover \$2,674,540.<sup>2</sup>

11. Based on my review of the Winstead invoices, the procedural history of Docket No. 44698 and certain filings in the proceeding, I determined the rate case expenses relating to the performance of legal services in Docket No. 44698 were reasonable and necessary. I concluded that the fees paid to, tasks performed by, and time spent on each task by each Winstead attorney were neither extreme nor excessive, and there was no duplication of services or testimony. I also concluded that the time spent and services provided by each Winstead attorney were reasonable after considering the novelty and complexity of the issues addressed; the nature, extent, and difficulty of the work performed; and the amount and complexity of the discovery propounded on SPS and SPS's cooperation in responding to such discovery. I also based my conclusion on the determination that none of the proposals made or positions taken by SPS lacked a reasonable basis in law, policy, or fact, or requested an extension, modification, or reversal of Commission precedent. My opinion with respect to the reasonableness of Winstead's rate case expenses is also supported by the size of SPS and the number of customers it serves; the dollar amount it ultimately sought to recover through its 2016 EECRF Rider; the Commission's issuance of a supplemental preliminary order based on parties' briefs addressing certain threshold legal/policy issues, as requested by Staff; and the full one-day hearing on the merits. Finally, I concluded that the legal administrative expenses related to courier and court-reporting services are reasonable and not excessive. In summary, I have determined that all of the legal expenses that I reviewed were reasonable and necessary expenses directly associated with the successful preparation, prosecution, and defense of Docket No. 44698. In my opinion, there is no basis for disallowing any of the Winstead rate case expenses incurred in the representation of SPS in Docket No. 44698.

<sup>&</sup>lt;sup>1</sup> Docket No. 44698, PFD at 1-2 (Nov. 16, 2015). These three contested issues are more thoroughly discussed in subsequent sections of the PFD.

<sup>&</sup>lt;sup>2</sup> The Order also adopted eight new findings of fact to ensure compliance with 16 Texas Administrative Code (TAC) § 25.181(f)(12)(A)-(H).

I also reviewed the invoice in the amount of \$4,050.00 for professional 12. services I performed as a non-testifying consultant engaged by Winstead to prepare an affidavit addressing the reasonableness of \$128,663.47 in total rate case expenses incurred in SPS's 2014 EECRF proceeding, Docket No. 42454, for which SPS sought recovery in Docket No. 44698.3 I have extensive experience in reviewing rate case expenses in Commission proceedings, as related in Paragraph 4 of this Affidavit. My hourly rate for the performance of these professional services was \$300.00, the same amount I charge all of my clients for the provision of legal services. This hourly rate matched the rate specified in the retention letter for my services executed in March 2015. I reviewed my affidavit in Docket No. 44698, which appeared as an attachment to the prefiled Direct Testimony of SPS witness Mr. Michael V. Pascucci. No party contested the reasonableness of SPS's requested rate case expenses, and the Commission allowed SPS to fully recover the amount of \$128,663.47 in total rate case expenses supported by my affidavit in Docket No. 44698. Based on my qualifications, the nature, extent, and difficulty of the work I performed, the amount of time I expended, and the fees paid to me to review the rate case expenses incurred in Docket No. 42454, I determined the rate case expenses relating to the performance of my professional services as a non-testifying consultant in Docket No. 44698 were reasonable and necessary. As a secondary check to this conclusion, I compared the amount charged for my performance of professional services in Docket No. 44698 (\$4,050.00) to the amount charged for the performance of similar services by J. Kay Trostle in SPS's 2014 EECRF proceeding, Docket No. 42454, (\$3,347.50). The difference in these amounts is likely attributable to the impact of new 16 TAC § 25.245, Rate-Case Expenses, which became effective in August 2014. In summary, I have determined that all of my professional service expenses were reasonable and necessary expenses directly associated with the successful preparation, prosecution, and defense of Docket No. 44698. In my opinion, there is no basis for disallowing any of the rate case expenses relating to the professional services I performed in the proceeding.

13. The following table summarizes the legal and professional service expenses in Docket No. 44698 that I conclude SPS should fully recover:

<sup>&</sup>lt;sup>3</sup> The invoice for my professional services in Docket No. 44698 is located in the July 2015 invoices and associated spreadsheet.

Payment Month	Invoice Month(s)	Amount Billed
May 2015	January-April 2015	\$ 29,398.54
July 2015	May-June 2015	\$ 18,746.23
October 2015	July-August 2015	\$ 40.168.28
December 2015	September 2015	\$ 12,979.48
Total:		\$101,292.53

### SPS and XES Internal Personnel Travel and Other Miscellaneous Expenses

- 14. Internal personnel employed by SPS and XES incurred travel-related expenses during the course of Docket No. 44698. These six employees included personnel sponsoring testimony of behalf of SPS; management-level personnel responsible for the internal review of filings, regulatory management, and settlement negotiations; and personnel performing other responsibilities relating to SPS's preparation, prosecution, and defense of the docket. The following list identifies these six employees by name and title, and provides a brief description of their activities in Docket No. 44698:
  - Brooke Trammell (SPS Manager, Rate Cases): Reviewed and approved filings; attended pre-filing meetings, Technical/Settlement Conference, and Hearing on Merits.
  - Jeremiah Cunningham (SPS Regulatory Case Specialist): Drafted shells for testimony and discovery; reviewed drafts; attended pre-filing meetings, Technical/Settlement Conference, and Hearing on Merits.
  - Dee Hooley (SPS Regulatory Coordinator): Copied, mailed, and facilitated service of documents.
  - Michael V. Pascucci (XES Demand-Side Management Regulatory Strategy & Planning Group, Senior Regulatory Analyst): Drafted Energy Efficiency Plan and Report (EEPR); sponsored Direct and Rebuttal Testimonies; attended Hearing on Merits.
  - J. Derek Shockley (XES Manager, Product Portfolio Supervision): Sponsored Direct and Rebuttal Testimonies; attended Hearing on Merits

- Jeffrey L. Comer (SPS Pricing Analyst): Sponsored Direct and Rebuttal Testimonies; attended Hearing on Merits
- I reviewed the invoices for the travel-related expenses incurred by SPS 15. and XES internal personnel during the period April-August 2015. These invoices included expenses for airfare, transportation, lodging accommodations, meals, parking, and other travel-related matters. For purposes of this evaluation, I also reviewed the procedural history of Docket No. 44698 and certain filings in the docket made available on the Commission's Interchange. I also took into account the scope and size of the EECRF proceeding, including the size of SPS and the number and type of customers served; the amount of energy efficiency-related expenses SPS ultimately sought to recover through its 2016 EECRF Rider; the parties' agreement to waive the initial prehearing conference; the absence of a request for a prehearing conference preceding the Hearing on the Merits; and the full one-day Hearing on the Merits in which witnesses were presented and cross-examined. Based on my review of the procedural history of Docket No. 44698, the responsibilities performed by the six SPS and XES internal employees in Docket No. 44698, and the invoices for travel-related expenses incurred by those internal employees in the performance of their responsibilities, I concluded those expenses were reasonably related to travel-related activities necessary to these SPS and XES internal employees' participation at the pre-Application filing meetings, Technical/Settlement Conference, and Hearing on the Merits in Docket No. 44698. In reaching this conclusion, I concluded that the jurisdictional allocation of certain copying expenses to Docket No. 44698 under the category of "Office Supplies" is reasonable and not excessive. I also concluded that SPS's \$25/person/meal expense cap, as reflected in adjustments to certain meal expense invoices submitted by Brooke Trammel, is reasonable and not excessive. Furthermore, I concluded the allocation of car rental expenses to Docket No. 44698 in an invoice submitted by Brooke Trammel is reasonable and not excessive. Finally, I concluded that other miscellaneous expenses incurred by SPS and XES relating to postage and the use of Federal Express service are reasonable and not excessive. In summary, I have determined that all of the SPS and XES internal travel-related and other miscellaneous expenses that I reviewed were reasonable and necessary expenses directly associated with the successful preparation, prosecution, and

defense of Docket No. 44698. In my opinion, there is no basis for disallowing any of these internal rate case expenses.

16. The following table summarizes the internal personnel travel and other miscellaneous expenses in Docket No. 44698 that I conclude that SPS should fully recover:<sup>4</sup>

Payment Month	Invoice Month(s)	Amount Billed
May 2015	April 2015	\$ 819.82
June 2015	April-May 2015	\$ 142.21
July 2015	May-July 2015	\$ 542.85
August 2015	June-August 2015	\$3,950.01
September 2015	August 2015	\$2,226.50
October 2015	August 2015	\$ 44.25
Total:		\$7,725.64

### Comparison of Rate Case Expenses in Docket No. 44698 and 42454

17. As a final check to my conclusions with respect to the reasonableness and necessity of the rate case expenses incurred in Docket No. 44698 and their recovery through the EECRF Rider approved in this proceeding, I compared the level of rate case expenses incurred in Docket No. 42454 and recovered in Docket No. 44698 (\$128,663.47) to the level of rate case expenses incurred in Docket No. 44698 (\$109,018.17) for which SPS seeks recovery in this docket. The level of rate case expenses that SPS seeks to recover in this docket is approximately 15 percent less than the level of rate case expenses the Commission approved for recovery in SPS's last EECRF proceeding, Docket No. 44698. To perform my comparison of the two amounts, I reviewed certain filings in Docket Nos. 42454 and 44698 made available on the Commission's Interchange. The difference in these two rate case expense amounts is partially attributable to certain differences in the procedural histories of Docket Nos.

Note: The payment months of May 2015, August 2015, and September 2015 include downward adjustments to booked employee expenses for a total downward adjustment of \$82.42.

41446 and 44698. In Docket No. 42454, the procedural schedule included a separately scheduled Technical Conference and Settlement Conference; OPUC filed Supplemental Direct Testimony; SPS filed Supplemental Rebuttal Testimony; four contested issues (two issues raised by OPUC, two issues raised by Staff) were ultimately litigated in the proceeding after attempts to fully settle the docket did not succeed; and a "paper" Hearing on the Merits was conducted in which the parties agreed to waive the crossexamination of witnesses. In contrast, in Docket No. 44698, the initial Prehearing Conference was waived by the parties' agreement; a Technical Conference and Settlement Conference were jointly scheduled; the Commission requested briefing (at Staff's request) on threshold legal/policy issues for the purpose of issuing a Supplemental Preliminary Order; no party filed supplemental testimony; three contested issues (one issue raised by OPC, two issues raised by Staff) were ultimately litigated in the proceeding after attempts to fully settle the docket did not succeed; and a full one-day Hearing on the Merits was conducted in which witnesses were presented and crossexamined. Also, SPS's use of in-house counsel beginning in mid-September 2015 upon Ms. Collier-Brown's initiation of maternity leave impacted the level of outside counsel rate case expenses incurred in Docket No. 44698. Finally, Ms. Collier-Brown assumed a more integral role in the drafting of SPS's 2015 Energy Efficiency Plan and Report (EEPR) compared to the previous year.

### Conclusion

18. For reasons stated in this Affidavit, I have concluded the rate case expenses incurred in Docket No. 44698 are reasonable and necessary upon consideration of: (1) the nature, extent, and difficulty of the work performed by the attorney or professional; (2) the time and labor required and expended by the attorney or professional; (3) the fees and other consideration paid to the attorney or other professional for the services rendered; (4) the expenses incurred for lodging, meals and beverages, transportation, and other services or materials; and (5) the nature and scope of the rate proceeding, including: (A) SPS's size and the number and type of customers it serves; (B) the amount of money or value of property or interest at stake; (C) the novelty or complexity of the issues addressed; (D) the amount and complexity of discovery; and

(E) the occurrence and length of a hearing. The scope of my analysis also included a review of each attorney's and professional's qualifications, the retention agreements and budget letter for legal and professional services, and the invoices and receipts for legal, professional, travel, and miscellaneous expenses. The total amount of reasonable and necessary rate case expenses incurred in Docket No. 44698 that should be recovered through the EECRF Rider approved in this proceeding is \$109,018.17.

Further, affiant sayeth not.

Stephen J. Davis

Subscribed and sworn to before me today, April 20, 2016.

Notary Public, State of Texas

My commission expires: 02-09-209



Docket No. 44698 without assistance from outside counsel. In addition, although Stephen Fogel is also in-house counsel for XES due to his ongoing workload, he was unable to provide assistance in preparing or prosecuting Docket No. 44698.

- 6. Consequently, SPS hired Ron Moss, Carrie Collier-Brown and Leila Melhem of Winstead P.C. (Austin, Texas) ("Winstead") to assist it in preparing and prosecuting Docket No. 44698. Ms. Collier-Brown performed the vast majority of the legal assistance work. Mr. Moss did not bill any time for Docket No. 44698 and Ms. Melhem billed approximately 1.6 hours of work for Docket No. 44698.
  - 7. I reviewed and approved the budget for Winstead for Docket No. 44698.
- 8. The hourly rates for each attorney for Winstead were no higher than the rates that Winstead had charged SPS for its time in other SPS cases that were contemporaneously pending before the Commission, the NMPRC, FERC, and state and federal courts. SPS had no contingency fee arrangement with Winstead for this proceeding. In addition, the fees SPS paid did not depend on a particular outcome for Docket No. 44698.
- 9. I was the lead attorney for Docket No. 44698 and the work performed by Ms. Collier-Brown and Ms. Melhem was at my direction.
- 10. Because the vast majority of the work performed by Winstead was undertaken by Ms. Collier-Brown, I will describe how I divided up the work between me and Ms. Collier-Brown to ensure there was no duplication. However, there was also no duplication of the work performed by Ms. Melhem. Examples of the work performed by Ms. Collier-Brown are as follows:
  - (a) For purposes of assisting with the direct testimony of witnesses, Ms. Collier-Brown assisted Messrs. Jeffrey Comer and Derek Shockley, while I assisted Mr. Michael Pascucci.
  - (b) Ms. Collier-Brown drafted the EECRF Application.
  - (c) During the discovery phase, Ms. Collier-Brown focused on assisting with responding to discovery that related to Messrs. Jeffrey Comer and Derek Shockley's areas of expertise, while I assisted with discovery related to Mr. Pascucci.
  - (d) In the rebuttal phase, Ms. Collier-Brown worked on the rebuttal testimony of Mr. Comer, while I worked on the rebuttal testimony of Messrs. Pascucci and Shockley.

- (e) Prior to the hearing in this matter, Ms. Collier-Brown and I assisted with hearing preparation.
- (f) At the hearing, Ms. Collier performed cross-examination of Staff witness Mr. Brian Murphy.
- (g) In the post-hearing phase, Ms. Collier-Brown wrote sections of the post-hearing and reply briefs related to Mr. Comer's area of testimony, while I wrote the sections related to Mr. Pascucci and Shockley's respective areas of testimony.
- (h) Ms. Collier-Brown wrote the proposed findings of fact and conclusions of law.
- 11. Ms. Melhem's work was needed because Ms. Collier-Brown was on vacation and Ms. Melhem assisted with final reviews of SPS's rebuttal testimony for filing purposes.
- 12. I reviewed Winstead's invoices for Docket No. 44698 to ensure the bills complied with the hourly rates and other terms set out in the budgets. I also reviewed the hours associated with each task to ensure the hours billed for a task were reasonable.

Matthew P. Loftus

Subscribed and sworn to before me today, April 27, 2016.

STEPHEN FOGEL
My Commission Expires
October 14, 2018

Notary Public, State of Texas My commission expires: 14 Obolean 2018