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APPLICATION OF SOUTHWESTERN §  
PUBLIC SERVICE COMPANY §  
APPROVAL OF TRANSACTIONS §  
ESI ENERGY, LLC AND INV §  
WIND DEVELOPMENT NO §  
AMERICA, LLC, TO AMEN §  
CERTIFICATE OF CONVE §  
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PROJECTS AND ASSOCIA §  
FACILITIES IN HALE COUNTY, TEXAS §  
AND ROOSEVELT COUNTY, NEW §  
MEXICO, AND FOR RELATED §  
APPROVALS

SCAN

PUBLIC UTILITY COMMISSION  
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OF  
ADMINISTRATIVE HEARINGS

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S  
FIRST SET OF REQUESTS FOR INFORMATION TO  
THE OFFICE OF PUBLIC UTILITY COUNSEL  
QUESTION NOS. 1-1 THROUGH 1-6**

*(Filename: SPS1stRFItoOPUC.doc; Total Pages: 9)*

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**SOUTHWESTERN PUBLIC SERVICE COMPANY'S  
FIRST SET OF REQUESTS FOR INFORMATION TO  
THE OFFICE OF PUBLIC UTILITY COUNSEL  
QUESTION NOS. 1-1 THROUGH 1-6**

Southwestern Public Service Company ("SPS") propounds this First Set of Requests for Information ("RFI") to the Office of Public Utility Counsel ("OPUC"). Responses to these RFIs are due within four working days under the terms of the procedural schedule adopted in SOAH Order No. 4.

**DEFINITIONS**

The following definitions apply to each of the RFIs, instructions, and definition set forth in this document:

1. A reference to "SPS" or the "Company" shall mean Southwestern Public Service Company.
2. A reference to "OPUC" shall mean the Office of Public Utility Counsel and all employees, agents, consultants, attorneys, and all other persons acting on behalf of OPUC.
3. The term "Commission" refers to the Public Utility Commission of Texas.

4. The term “communication” includes all verbal and written communications (including written records of verbal communications) of every kind, including but not limited to, telephone calls, conferences, letters, electronic mail (e-mail), modem transfers, and all memoranda or other documents concerning the requested item. Where communications are not in writing, provide copies of all memoranda and documents and describe in full the substance of the communication to the extent that substance is not reflected in the memoranda and documents provided and to the extent it is within the knowledge of OPUC.
5. “Documents” refers to all writings and records of every type, including e-mails or other electronic media, in the possession, control, or custody of OPUC. “Documents” shall also refer to copies of documents, even though the originals of those documents are not in the possession, custody, or control of OPUC, every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy, and all attachments to any documents.
6. The term “e-mail” includes the entire string and all attachments found anywhere in the e-mail string.
7. The term “concerning” includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically, or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

### **GENERAL INSTRUCTIONS**

The following General Instructions apply to each of the RFIs by SPS:

1. Please provide all narrative responses in hard copy, on separate pages for each response, with the question restated at the top of the page. Where possible, please also provide responses via e-mail including all exhibits that are electronically available.
2. For each responsive answer, please identify the individual(s) responsible for its preparation, and the witness sponsoring the answer provided.
3. If a data request can be answered in whole or in part by reference to the response to a preceding or subsequent data request, including data requests of OPUC and other parties, so indicate. Specify the preceding or subsequent data request by participant or party and by number, and state whether it is claimed that the response to the preceding or subsequent data request is a full response to the instant data request. If not, furnish the balance of the response needed to complete a full reply.
4. In the event any document requested in this request is unavailable, describe in detail the reasons the document is unavailable.

5. When an RFI requests copies of previously filed testimony, please provide either: (a) an electronic or paper copy of the testimony itself; or (b) sufficient information for SPS to retrieve the testimony from a publicly available source, including: (i) the jurisdiction in which the testimony was filed; (ii) the docket number of the proceeding in which the testimony was filed; (iii) the date the testimony was filed; and (iv) if available, an electronic link to the testimony itself, rather than just a link to the jurisdiction's website.
6. When producing documents pursuant to these RFIs, designate on the document or group of documents the RFI(s) in response to which the document(s) are produced.
7. If, in answering any of these RFIs, there is any ambiguity in interpreting either the request or a definition or instruction applied thereto, please contact Stephen Fogel at:

Xcel Energy Services Inc.  
816 Congress Avenue, Suite 1650  
Austin, Texas 78701  
Office: (512) 236-6922  
Facsimile: (512) 236-6935  
Email: Stephen.e.fogel@xcelenergy.com

Parties can also contact Ron Moss at:

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401 Congress Avenue, Suite 2100  
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Email: rhmoss@winstead.com

If that is not possible, set forth the language deemed to be ambiguous and the interpretation chosen or used in responding to the request.

8. These data requests are continuing in nature and require supplemental responses when further or different information with respect to any of them is obtained.
9. Use of the singular or plural word form in a data request is not to be interpreted to exclude information or documents from the scope or intent of the specific request.
10. The terms "and" and "or" shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these requests any information or documents which might otherwise be considered to be beyond their scope.
11. If any document covered by this request is withheld for whatever reason, please furnish a list identifying all withheld documents in the following manner
  - (a) the reason for withholding;
  - (b) the date of the document;
  - (c) a brief description of the document;

- (d) the name of each author or preparer;
  - (e) the name of each person who received the document; and
  - (f) a statement constituting the basis for withholding the document.
12. If OPUC declines to respond to any request for information or data on the basis of privilege, please state as to each such request an explanation for the refusal. Identify those documents and communications that are withheld from the response to each specific data request. The identification shall be served within the time specified by the presiding examiner for this proceeding and in accordance with the Rules of the Commission, and shall:
- (a) specify the date of the document, its author(s) (with title and designation if an attorney), and recipients (with title and designation if an attorney);
  - (b) contain a brief summary of the subject matter of the document; and
  - (c) contain a brief statement of the reason that, in your opinion, the assertion of privilege is justified.
13. Please provide data responses as they become available.

Respectfully submitted,

XCEL ENERGY SERVICES INC.

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BY:   
ATTORNEYS FOR *by permission*   
SOUTHWESTERN PUBLIC SERVICE COMPANY

## REQUESTS FOR INFORMATION

### Question No. SPS-OPUC 1-1:

Refer to the Direct Testimony of Janet Simpson at page 8, lines 10-15. Identify by docket number all dockets in which the Commission has placed limitations or restrictions on the levels of future cost recovery.

### Question No. SPS-OPUC 1-2:

Refer to the Direct Testimony of Janet Simpson at page 16, lines 11-16.

- a. To Ms. Simpson's knowledge, has the Commission ever found that a utility's financial integrity must be at risk before the utility can create a regulatory asset?
- b. If the answer to subpart (a) is yes, please provide all docket numbers in which the Commission has made such a finding. Please also provide the dates of the orders in those dockets in which the Commission made such findings.

### Question No. SPS-OPUC 1-3:

Refer to the Direct Testimony of Janet Simpson at page 19, lines 21-22.

- a. Please admit or deny that SPS is proposing to offset the PTCs against the revenue requirement attributable to the Wind Facilities during the Deferral period.
- b. If the response to subpart (a) is anything other than an unqualified "admit," please explain the basis for the response and provide all documents supporting that response.

### Question No. SPS-OPUC 1-4:

Refer to the Direct Testimony of Janet Simpson at page 21, lines 7-10.

- a. Please list all of the "related factors and issues that could impact the Commission's determination that are not ascertainable at the CCN stage."
- b. Is it Ms. Simpson's understanding that SPS is asking the Commission to approve any particular dollar amounts or percentages at this time? If so, please explain what dollar amounts or percentages SPS is asking the Commission to approve.



**Question No. SPS-OPUC 1-5:**

Refer to the Direct Testimony of Janet Simpson at page 21, lines 20-22.

- a. Is it Ms. Simpson's understanding that SPS is asking the Commission to approve any particular dollar amount or quantities of PTCs at this time?
- b. If so, please explain the basis for Ms. Simpson's understanding.

**Question No. SPS-OPUC 1-6:**

Refer to the Direct Testimony of Janet Simpson at page 24, lines 15-17.

- a. Please explain the detail behind the proposal that if "[t]he Project is delayed or other unforeseeable circumstances occur that result in something less than 100% of potential PTCs being earned by the project . . . SPS should provide credit to the customers at the 100% level of the PTCs." Please include in that explanation what Ms. Simpson proposes be included in the calculation of 100% of expected PTCs (such as the number of turbines, and expected output per turbine or as a whole).
- b. Please identify any Public Utility Commission of Texas precedent for requiring such a performance guarantee.

**CERTIFICATE OF SERVICE**

I certify that on the 9th day of October, 2017, a true and correct copy of the foregoing instrument was served on all parties of record by electronic service, hand delivery, Federal Express, regular first class mail, certified mail, or facsimile transmission.

*Ran Moss*  
\_\_\_\_\_  
*by permission TDR*