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APPLICATION OF SOUTHWESTERN §
PUBLIC SERVICE COMPANY FOR §
APPROVAL OF TRANSACTIONS §
WITH ESI ENERGY, LLC AND §
INVENERGY WIND DEVELOPMENT §
NORTH AMERICA LLC, TO AMEND §
A CERTIFICATE OF §
CONVENIENCES AND NECESSITY §
FOR WIND GENERATION §
PROJECTS AND ASSOCIATED §
FACILITIES IN HALE COUNTY, §
TEXAS AND ROOSEVELT COUNTY, §
NEW MEXICO AND FOR RELATED §
APPROVALS §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

JOINT RESPONSES OF TRI-COUNTY ELECTRIC COOPERATIVE, INC. AND GOLDEN SPREAD ELECTRIC COOPERATIVE, INC. TO SOUTHWESTERN PUBLIC SERVICE COMPANY'S FIRST SET OF REQUESTS FOR INFORMATION TO TRI-COUNTY ELECTRIC COOPERATIVE, INC. AND GOLDEN SPREAD ELECTRIC COOPERATIVE, INC. QUESTION NOS. 1-1 THROUGH 1-8

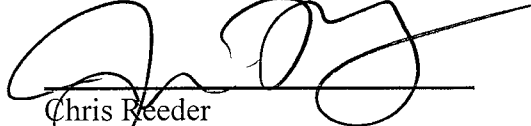
Tri-County Electric Cooperative, Inc. ("Tri-County") and Golden Spread Electric Cooperative, Inc. ("Golden Spread") file these responses to Southwestern Public Service Company's ("SPS") First Request for Information to Tri-County Electric Cooperative, Inc. and Golden Spread Electric Cooperative, Inc., filed on October 5, 2017. Responses are due within four working days of receipt. Therefore, these responses are timely filed under the applicable procedural schedule. Tri-County and Golden Spread stipulate that all parties may treat these responses as if the answers were filed under oath. These responses are filed subject to, and without waiving, the Objections filed by Tri-County and/or Golden Spread on October 11, 2017.

In addition, the responses below are provided subject to an agreement to limit certain definitions contained in SPS's First Request for Information to Tri-County and Golden Spread. The defined term "communication" is limited in so far as it requests that Tri-County and Golden Spread create a document memorializing a verbal communication when such document does not already exist. The defined term "email" and its reference to "the entire string and all attachments found anywhere in the e-mail string" is limited in so far as it requests Tri-County or Golden

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Spread produce non-responsive or irrelevant documents and/or communications that might be subsumed or attached to a responsive communication.

Respectfully submitted,



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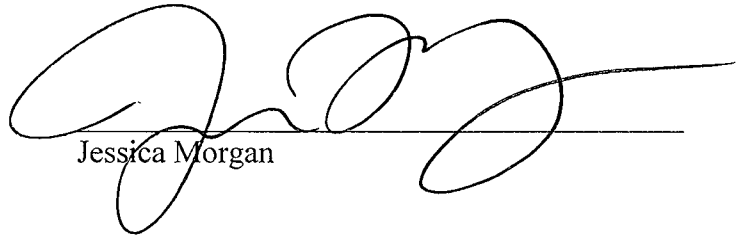
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading has been filed with the Commission, forwarded by electronic mail to counsel for SPS, served on the party listed below via United States Mail, and served on all other parties via the PUC Interchange on this 11th day of October, 2017.

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**JOINT RESPONSES OF TRI-COUNTY ELECTRIC COOPERATIVE, INC. AND
GOLDEN SPREAD ELECTRIC COOPERATIVE, INC.
TO SPS'S FIRST SET OF REQUESTS FOR INFORMATION**

SPS-TCEC-GSEC 1-1: Regarding the 14 proposals from 6 wind developers TCEC received in response to its September 30, 2016 request for proposal ("RFP") referenced on pages 4-5 of the Direct Testimony of Chris Giles, please provide the following information with respect to each proposal:

- a. the name of the wind developer submitting the proposal;
- b. the location of the wind resource;
- c. the projected in-service date of the resource;
- d. the current status of the resource (e.g., under construction);
- e. the number of MWs of wind subject to the proposed agreement;
- f. the proposed term length (if different than 20 years);
- g. the cost per kWh, including specification of any price escalations during the term;
- h. a brief description of the pricing structure;
- i. an explanation of whether the price included the cost of transmission to deliver the energy to TCEC;
- j. if the price does not include the cost of transmission to deliver the energy to TCEC, please provide all analysis in Mr. Giles's, TCEC's, or GSEC's possession regarding the cost of delivering that energy to TCEC;
- k. whether the wind developer would have submitted to SPS the same proposal it submitted to TCEC; and
- l. all analysis in Mr. Giles's, TCEC's, or GSEC's possession regarding the transmission cost of delivering that wind energy to SPS (this subpart refers to analysis that may have been performed at any time, for any reason, even if not as part of the bid evaluation process).

RESPONSE SUBJECT TO OBJECTION

Subject to the objection asserted by TCEC and GSEC and without waiving its objection, TCEC and GSEC state as follows:

- j. Mr. Giles, TCEC, and GSEC are not in possession of any responsive information.
- k. Based upon agreement between TCEC, GSEC, and SPS, which resolved the objection that TCEC and GSEC would otherwise have submitted, SPS has agreed to revise this question such that the request is limited to seeking only the opinion of TCEC and GSEC's witnesses and not a representation of some fact. As

limited, TCEC and GSEC answer as follows: SPS may have received similar proposals, but to TCEC's knowledge SPS has not made such a request.

1. Mr. Giles, TCEC, and GSEC are not in possession of any responsive information.

SPONSORING WITNESS: Chris Giles

PREPARER: Chris Giles (TCEC) and Natasha Henderson (GSEC)

SPS-TCEC-GSEC 1-2:

With regard to J. Neil Copeland's testimony at page 7, lines 1-3, please provide the following information for each proposal Mr. Copeland is referring to:

- a. the name of the wind developer submitting the proposal;
- b. the location of the wind resource;
- c. the projected in-service date of the resource;
- d. the current status of the resource (e.g., under construction);
- e. the number of MWs of wind subject to the proposed agreement;
- f. the proposed term length (if different than 20 years);
- g. the cost per kWh, including specification of any price escalations during the term;
- h. a brief description of the pricing structure;
- i. an explanation of whether the price included the cost of transmission to deliver the energy to TCEC;
- j. if the price does not include the cost of transmission to deliver the energy to TCEC, please provide all analysis in Mr. Copeland's, TCEC's, or GSEC's possession regarding the cost of delivering that energy to TCEC;
- k. whether the wind developer would have submitted to SPS the same proposal it submitted to TCEC; and
- l. all analysis in Mr. Copeland's, TCEC's, or GSEC's possession regarding the transmission cost of delivering that wind energy to SPS (this subpart refers to analysis that may have been performed at any time, for any reason, even if not as part of the bid evaluation process).

RESPONSE SUBJECT TO OBJECTION

Subject to the objection asserted by TCEC and GSEC and without waiving its objection, TCEC and GSEC state as follows:

- a. See Response to SPS-TCEC-GSEC 1-1. As stated at page 25, lines 18-21 of Mr. Copeland's direct testimony, Mr. Copeland is referring to the information provided by Chris Giles in his direct testimony.
- b. See Response to SPS-TCEC-GSEC 1-1.
- c. See Response to SPS-TCEC-GSEC 1-1.
- d. See Response to SPS-TCEC-GSEC 1-1.
- e. See Response to SPS-TCEC-GSEC 1-1.
- f. See Response to SPS-TCEC-GSEC 1-1.

- g. See Response to SPS-TCEC-GSEC 1-1.
- h. See Response to SPS-TCEC-GSEC 1-1.
- i. See Response to SPS-TCEC-GSEC 1-1.
- j. Mr. Copeland, TCEC, and GSEC are not in possession of any responsive information.
- k. Based upon agreement between TCEC, GSEC, and SPS, which resolved the objection that TCEC and GSEC would otherwise have submitted, SPS has agreed to revise this question such that the request is limited to seeking only the opinion of TCEC and GSEC's witnesses and not a representation of some fact. As limited, TCEC and GSEC answer as follows: While GSEC did not receive the offers referred to by Mr. Copeland, given that such proposals were made to at least one party (TCEC), it is possible the wind developers would make the same proposals to SPS.
- l. Mr. Copeland, TCEC, and GSEC are not in possession of any responsive information.

SPONSORING WITNESS: Neil Copeland

PREPARER: Natasha Henderson and Neil Copeland

SPS-TCEC-GSEC 1-3:

On page 4, lines 2-3 of Chris Giles's direct testimony, he refers to "more recent PPA prices proposed by some of the same responders to TCEC's RFP." On page 7, line 7 of J. Neil Copeland's direct testimony, he refers to "currently available" Wind PPAs. With regard to each of the "more recent" PPA proposals and each of the "currently available" PPA proposals, please provide:

- a. the name of the wind developer submitting the proposal or with available wind energy;
- b. the location of the wind resource;
- c. the projected in-service date of the resource;
- d. the current status of the resource (e.g., under construction);
- e. the number of MWs of wind subject to the proposed agreement;
- f. the proposed term length (if different than 20 years);
- g. the cost per kWh, including specification of any price escalations during the term;
- h. a brief description of the pricing structure;
- i. an explanation of whether the price included the cost of transmission to deliver the energy to TCEC;
- j. if the price does not include the cost of transmission to deliver the energy to TCEC, please provide all analysis in Mr. Copeland's, TCEC's, or GSEC's possession regarding the cost of delivering that energy to TCEC;
- k. whether the wind developer would have submitted to SPS the same proposal it submitted to TCEC; and
- l. all analysis in Mr. Copeland's, TCEC's, or GSEC's possession regarding the transmission cost of delivering that wind energy to SPS (this subpart refers to analysis that may have been performed at any time, for any reason, even if not as part of the bid evaluation process).

RESPONSE SUBJECT TO OBJECTION

Subject to the objection asserted by TCEC and GSEC and without waiving its objection, TCEC and GSEC state as follows:

- j. Mr. Copeland, TCEC, and GSEC are not in possession of any responsive information.
- k. Based upon agreement between TCEC, GSEC, and SPS, which resolved the objection that TCEC and GSEC would otherwise have submitted, SPS has agreed to revise this question such that the request is limited to seeking only the opinion of TCEC and GSEC's witnesses and not a representation of some fact. As limited, TCEC and GSEC answer as follows: SPS may have received similar proposals, but to TCEC's knowledge SPS has not made such a request. While GSEC did not receive the offers referred to by Mr. Copeland, given that such

proposals were made to at least one party (TCEC), it is possible the wind developers would make the same proposals to SPS.

- I. Mr. Copeland, TCEC, and GSEC are not in possession of any responsive information.

SPONSORING WITNESS: Chris Giles and Neil Copeland

PREPARER: Chris Giles, Natasha Henderson, and Neil Copeland

SPS-TCEC-GSEC 1-4: Concerning Chris Giles's Direct Testimony at page 4, line 24 through page 5, line 3, did TCEC execute a contract with any of the proposed wind farms bid into its RFP? If TCEC executed a contract, please provide the information requested in Question No. SPS-TCEC-GSEC 1-1, subparts (e)-(j) if it was different in the final agreement than in the proposal.

RESPONSE:

TCEC did not execute a contract with any of the proposed wind farms bidding into its September 30, 2016 RFP.

SPONSORING WITNESS: Chris Giles

PREPARER: Chris Giles

SPS-TCEC-GSEC 1-5: Are the 14 proposals referenced on page 4, line 25 of Mr. Giles' testimony the total number of proposals received in response to the RFP? If not, please provide the total number of proposals and provide the following details regarding each of the additional proposals:

- a. the name of the developer submitting the proposal;
- b. a brief description of the proposal structure (e.g., PPA, asset purchase);
- c. the type of resource being proposed (e.g., solar, natural gas);
- d. the location of the resource;
- e. the projected in-service date of the resource;
- f. the current status of the resource (e.g., under construction);
- g. the number of MWs of subject to the proposed agreement;
- h. the proposed term length;
- i. the cost per kWh, including specification of any price escalations during the term;
- j. a brief description of the pricing structure;
- k. an explanation of whether the price included the cost of transmission to deliver the energy to TCEC;
- l. if the price does not include the cost of transmission to deliver the energy to TCEC, please provide all analysis in Mr. Giles's, TCEC's, or GSEC's possession regarding the cost of delivering that energy to TCEC;
- m. whether the wind developer would have submitted to SPS the same proposal it submitted to TCEC; and
- n. all analysis in Mr. Giles's, TCEC's, or GSEC's possession regarding the transmission cost of delivering that wind energy to SPS (this subpart refers to analysis that may have been performed at any time, for any reason, even if not as part of a bid evaluation process).

RESPONSE SUBJECT TO OBJECTION

Subject to the objection asserted by TCEC and GSEC and without waiving its objection, TCEC and GSEC state as follows:

- l. Mr. Giles, TCEC, and GSEC are not in possession of any responsive information.
- m. Based upon agreement between TCEC, GSEC, and SPS, which resolved the objection that TCEC and GSEC would otherwise have submitted, SPS has agreed to revise this question such that the request is limited to seeking only the opinion of TCEC and GSEC's witnesses and not a representation of some fact. As limited, TCEC and GSEC answer as follows: SPS may have received similar proposals, but to TCEC's knowledge SPS has not made such a request. While GSEC did not receive the offers referred to by Mr. Copeland, given that such

proposals were made to at least one party (TCEC), it is possible the wind developers would make the same proposals to SPS.

- n. Mr. Giles, TCEC, and GSEC are not in possession of any responsive information.

SPONSORING WITNESS: Chris Giles

PREPARER: Chris Giles and Natasha Henderson

SPS-TCEC-GSEC 1-6:

Aside from any wind PPA proposals, any available wind PPAs, or any wind PPA contracts provided in the responses to Question Nos. SPS-TCEC-GSEC 1-1 through 1-5, has TCEC or GSEC received any other wind PPA proposals during the period July 1, 2016 to the present? If so, for each wind PPA proposal, please provide the following information:

- a. the name of the wind developer submitting the proposal;
- b. the location of the wind resource;
- c. the projected in-service date of the resource;
- d. the current status of the resource (e.g., under construction);
- e. the number of MWs of wind subject to the proposed agreement;
- f. the proposed term length (if different than 20 years);
- g. the cost per kWh, including specification of any price escalations during the term;
- h. a brief description of the pricing structure;
- i. an explanation of whether the price included the cost of transmission to deliver the energy to TCEC;
- j. if the price does not include the cost of transmission to deliver the energy to TCEC, please provide all analysis in Mr. Giles's, TCEC's, or GSEC's possession regarding the cost of delivering that energy to TCEC;
- k. whether the wind developer would have submitted to SPS the same proposal it submitted to TCEC; and
- l. all analysis in Mr. Giles's, TCEC's, or GSEC's possession regarding the transmission cost of delivering that wind energy to SPS (this subpart refers to analysis that may have been performed at any time, for any reason, even if not as a brief description of the pricing structure;

RESPONSE:

TCEC has not received any wind PPA proposals not already provided in responses to Question Nos. SPS-TCEC-GSEC 1-1 through 1-5, during the period of July 1, 2016 to present. For GSEC, information responsive to this request is subject to non-disclosure agreements (NDAs) between GSEC and the respective wind developer making a proposal. The NDAs prohibit GSEC's disclosure of the responsive information and require GSEC to notify the wind developer so the wind developer can seek further remedy to preclude disclosure or waive the non-disclosure requirement. GSEC provided this notice on October 9, 2017. To give the wind developers a reasonable time to evaluate this notice, responsive information is being withheld until October 13, 2017 at 3:00 pm, subject to earlier receipt of consent to disclose from the wind developers. GSEC provides responsive information for those wind developers who have waived the non-disclosure requirement subject to production as Highly Sensitive Protected Material under the protective order in this case. *See* Response to SPS-TCEC-GSEC 1-6, GSEC Attachment 1 (HSPM).

In addition, certain responsive information contains confidential information that constitutes the trade secrets or commercially sensitive information of a third-party. On October 9, 2017, GSEC provided notice to wind developers that their information has been requested in this docket and that it would be produced by October 13, 2017 at 3:00 pm. To give the wind developers a reasonable time to evaluate this notice, responsive information is being withheld until October 13, 2017 at 3:00 pm, subject to earlier receipt of consent to disclose from the wind developers. GSEC provides responsive information for those wind developers who have consented to production as Highly Sensitive Protected Material under the protective order in this case. *See* Response to SPS-TCEC-GSEC 1-6, GSEC Attachment 1 (HSPM).

- a.-h. For subparts a.-h., *see* Response to SPS-TCEC-GSEC 1-6, GSEC Attachment 1 (HSPM), which is being produced as Highly Sensitive Protected Material pursuant to the protective order in this docket.
- i. The price of firm transmission is not included in the indicative wind PPA offers responsive to this request.
- j. There is no such analysis in the possession of GSEC or Mr. Copeland.
- k. Based upon agreement between TCEC, GSEC, and SPS, which resolved the objection that TCEC and GSEC would otherwise have submitted, SPS has agreed to revise this question such that the request is limited to seeking only the opinion of TCEC and GSEC's witnesses and not a representation of some fact. As limited, TCEC and GSEC answer as follows: SPS may have received similar proposals, but to TCEC's knowledge SPS has not made such a request. While GSEC did not receive the offers referred to by Mr. Copeland, given that such proposals were made to at least one party (TCEC), it is possible the wind developers would make the same proposals to SPS.

SPONSORING WITNESS: Chris Giles and Neil Copeland

PREPARER: Chris Giles, Natasha Henderson, and Neil Copeland

SPS-TCEC-GSEC 1-7: Admit or Deny: None of the 14 proposals referenced on pp. 4-5 of the Direct Testimony of Chris Giles was for: (a) a facility located in Texas or New Mexico; or (b) a facility located in the southern portion of SPS's system.

RESPONSE:

Deny.

SPONSORING WITNESS: Chris Giles

PREPARER: Chris Giles

SPS-TCEC-GSEC 1-8: If the response to Question No. SPS-TCEC 1-7 is anything other than "admit," please specify the bidder, location, and proposed price for each proposal located in Texas, New Mexico or the southern portion of SPS's system.

RESPONSE:

Of the 14 wind proposals, three are located in Texas. See Response to SPS-TCEC-GSEC 1-1, TCEC Attachment 1, filed as Highly Sensitive Protected Materials, for the bidder, location, and proposed location for each of the three proposals located in Texas.

SPONSORING WITNESS: Chris Giles

PREPARER: Chris Giles