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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

TRI-COUNTY ELECTRIC COOPERATIVE, INC. AND GOLDEN SPREAD ELECTRIC COOPERATIVE, INC.'S OBJECTIONS TO SOUTHWESTERN PUBLIC SERVICE COMPANY'S FIRST SET OF REQUESTS FOR INFORMATION TO TRI-COUNTY ELECTRIC COOPERATIVE, INC. AND GOLDEN SPREAD ELECTRIC COOPERATIVE, INC.

Tri-County Electric Cooperative, Inc. ("Tri-County") and Golden Spread Electric Cooperative, Inc. ("Golden Spread") submit their Objections to Southwestern Public Service Company's ("SPS") First Request for Information to Tri-County Electric Cooperative and Golden Spread Electric Cooperative, Inc., filed on October 5, 2017. These objections are filed within four working days of receipt and are therefore timely under the applicable procedural schedule. Undersigned counsel for Tri-County and Golden Spread represent that they have attempted to discuss these objections with counsel for SPS, but have not been able to reach an agreement with counsel for SPS.

Tri-County and Golden Spread object to the following RFIs:

SPS-TCEC-GSEC1-1: 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:

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- 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).

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 GCEC'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).

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 GCEC'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).

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).

OBJECTION

In requesting information regarding the name of the developer, location, proposal structure, pricing structure, status of the resource, projected in-service dates, number of MWs, term length, and any analysis regarding costs of transmission included in the proposals received by Tri-County in its RFP, the RFIs seek information that is confidential and subject to a non-disclosure agreement. The requested information was provided to Tri-County confidentially and not subject to disclosure pursuant to the terms of the RFP. The RFP states Tri-County will consider the materials provided by responders as confidential, so long as those materials are designated as "Confidential," and will not disclose the information except if required by an order of an agency or court of competent jurisdiction. The information requested is not Tri-County's

information to disclose and by the terms of the RFP, Tri-County is bound by its agreement not to produce the requested information.

In addition, Tri-County received a proposal tendered subject to a non-disclosure agreement (“NDA”). The NDA requires Tri-County to hold confidential and not disclose the information without the prior written consent of the other party to the NDA. Tri-County can only disclose the requested information without breaching the NDA if required by applicable law or regulation. Tri-County is bound its agreement not to divulge information regarding the proposals received and are contractually bound by such agreements. TCEC will submit appropriate affidavits further documenting the privileges should SPS submit a motion to compel.

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 GCEC'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).

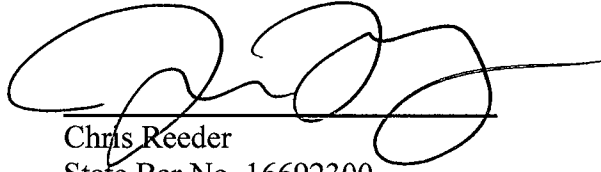
OBJECTION:

In addition to the objection stated above, Tri-County and Golden Spread also object to this request because it seeks information about non-wind proposals that is not relevant to the issues being decided in this proceeding. Information is relevant if it tends to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.¹ SPS is seeking twelve distinct forms of relief from the Commission in this proceeding regarding the construction and operation of two wind generation facilities and a wind generation PPA.² None of the listed regulatory relief sought by SPS is for any other type of generation facilities or for non-wind power. In addition, Chris Giles' testimony only discusses the 14 wind proposals received by Tri-County in its September 30, 2016 Request for Proposals ("RFP") as demonstrating the potential availability and pricing of market wind resources under an RFP if SPS were to conduct one. Mr. Giles does not discuss non-wind proposals because those proposals have no bearing on the potential pricing wind developers would offer for wind power in the region. Any other proposals received by Tri-County in response to its RFP are irrelevant to this proceeding and Tri-County cannot be required to answer any questions pertaining to irrelevant proposals.

¹ TEX. R. EVID. 401.

² Application at 18–19.

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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