



Control Number: 49495



Item Number: 21

Addendum StartPage: 0

SOAH DOCKET NO. 473-19-4422
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PUBLIC UTILITY COMMISSION
OF
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APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
PUBLIC SERVICE COMPANY TO §
ADJUST ITS ENERGY EFFICIENCY §
COST RECOVERY FACTOR § ADMINISTRATIVE HEARINGS

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF
APPLICATION AND NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency of Application and Notice. In support thereof, Staff shows the following:

I. BACKGROUND

On May 1, 2019, Southwestern Public Service Company (SPS), filed an application to revise its Energy Efficiency Cost Recovery Factor (EECRF) for program year 2020 under § 39.905 of the Public Utility Regulatory Act (PURA)¹ and 16 Texas Administrative Code (TAC) §§ 25.181 and 25.182. SPS requests approval to adjust its EECRF rider to recover \$4,933,146, effective January 1, 2020.

On May 20, 2019, the State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) issued SOAH Order No. 1, requiring Staff to file its comments on the sufficiency of notice by May 31, 2019. Therefore, this pleading is timely filed.

II. COMMENTS REGARDING SUFFICIENCY OF APPLICATION

Staff has reviewed SPS's application and finds the application provides the information required under 16 TAC § 25.182(d). Specifically, pursuant to 16 TAC 25.182(d)(8), a utility in an area in which customer choice is not offered must file the application to adjust its EECRF by no later than May 1 of each year. Additionally, under 16 TAC § 25.182(d)(10), an EECRF application must include testimony and schedules in Excel format with intact formulas for each retail rate class for the prior program year and the proposed program year. The application, including testimonies and schedules, must address thirteen metrics identified under 16 TAC § 25.182(d)(10).

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.017 (PURA).

21

Furthermore, under 16 TAC § 25.182(d)(11), the application must address ten factors, as applicable, to support the recovery of energy efficiency costs.

Staff recommends SPS's application be deemed sufficient. SPS filed its EECRF application by May 1, 2019. The application includes testimony of three subject matter experts to support its application. In addition, SPS provided Excel spreadsheets with formulas separated by retail rate class for 2018 and 2020. Staff's review indicates that SPS provided, addressed, or at least attempted to address, all of the metrics and factors listed under 16 TAC § 25.182(d)(10)-(11). Staff reserves the right to later assert certain thresholds required by the aforementioned provisions may require SPS to supplement the application. Staff may also require SPS to supplement its application following discovery.

III. COMMENTS REGARDING SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice filed by SPS and finds that the notice satisfies the requirements under 16 TAC § 25.182(d)(13)-(14). On May 14, 2019, SPS filed its Affidavit of Proof of Notice within fourteen days of filing the application, as required pursuant to 16 TAC § 25.182(d)(14). Further, the affidavit attests that SPS completed its notice via USPS first-class mail, hand delivery, Federal Express, or electronic mail on May 1, 2019, which is within seven days of the application filing date, as required under 16 TAC § 25.182(d)(13).

Additionally, in accordance with 16 TAC § 25.182(d)(13), the affidavit attests that SPS provided direct notice to: (1) all parties of record in SPS's most recently completed EECRF docket (PUC Docket No. 48324²); (2) all parties of record in SPS's most recently completed base rate case (PUC Docket No. 47527³); and (3) to the state agency that administers the federal weatherization program, the Texas Department of Housing and Community Affairs.

IV. CONCLUSION

Staff respectfully requests that an order be issued finding SPS's application and notice sufficient.

² *Application of Southwestern Public Service Company to Adjust its Energy Efficient Cost Recovery Factor*, Docket No. 48324, Order (Sep. 27, 2018).

³ *Application of Southwestern Public Service Company for Authority to Change Rates*, Docket No. 47527, Order (Dec. 10, 2018).

DATED: May 29, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 29, 2019, in accordance with 16 TAC § 22.74.



Richard A. Nemer