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SOAH DOCKET NO. 473-19-5875
PUC DOCKET NO. 49690

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PUBLIC UTILITY COMMISSION
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APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
PUBLIC SERVICE COMPANY FOR §
AUTHORITY TO IMPLEMENT A NET § OF
REFUND OF OVER-COLLECTED FUEL §
COSTS § ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 2
CANCELLING PREHEARING CONFERENCE, APPROVING SUFFICIENCY OF
APPLICATION AND NOTICE, GRANTING AGREED MOTION FOR INTERIM
RELIEF, ESTABLISHING PROCEDURAL SCHEDULE, AND GRANTING MOTION
TO INTERVENE**

I. PREHEARING CONFERENCE

On July 12, 2019, Southwestern Public Service Company (SPS), on behalf of itself, Public Utility Commission of Texas (Commission) Staff, Texas Industrial Energy Consumers (TIEC), the Alliance of Xcel Municipalities, and the Office of Public Utility Counsel filed an Agreed Motion for Interim Relief, Proposed Procedural Schedule, and Sufficiency of Application and Notice (Agreed Motion). Among other things, the parties requested that the Administrative Law Judge (ALJ) cancel the prehearing conference scheduled for on July 17, 2019. For good cause shown, the prehearing conference scheduled for July 17, 2019, is **CANCELLED**.

II. SUFFICIENCY OF APPLICATION AND NOTICE

In the Agreed Motion, SPS states that it is authorized to represent that Commission Staff recommends SPS's application and proposed notice to be deemed sufficient and that no party has raised any concerns about sufficiency of the application or proposed notice. The ALJ finds the application sufficient to proceed and **APPROVES** SPS's proposed notice.

III. INTERIM RATES

The Agreed Motion requests that SPS be authorized to implement, on an interim basis, a net refund of \$16,217,079.52, which includes interest in the amount of \$198,685.15, through a one-time bill credit on September 2019 bills for its Texas retail customers for over-collected fuel costs incurred from June 2018 through April 2019, in accordance with the Fuel Cost Refund Rider attached to the Agreed Motion. The Fuel Cost Refund Rider is the same as the rider that was included in SPS's application that initiated in this proceeding.

Interim relief may be granted based on the agreement of all parties.¹ A request for interim relief is required to be filed no later than 30 days before the interim relief is proposed to take effect, unless all parties agree to a later filing date.² As indicated in the Agreed Motion, the parties agreed to the interim relief sought in the Agreed Motion, and to the motion being filed no later than 30 days before the interim relief is proposed to take effect.

The ALJ **GRANTS** the motion and **APPROVES** the Fuel Cost Refund Rider attached to the Agreed Motion on an **INTERIM BASIS**. The rider is subject to adjustment if the rates supporting the rider differ from the final rates approved by the Commission. Within ten days of the date of this order, SPS **SHALL** file a clean copy of the Fuel Cost Refund Rider, Section No. IV, Sheet No. IV-221, as attached to the Agreed Motion, to be stamped "Approved" by Central Records.

IV. PROCEDURAL SCHEDULE

The Agreed Motion includes an agreed proposed procedural schedule. The ALJ **ADOPTS** the proposed schedule, which is set out below. In the event a hearing is requested, a prehearing conference will be convene at **10 a.m. on August 8, 2019, at the State Office of**

¹ 16 Tex. Admin. Code (TAC) § 22.125(c).

² 16 TAC § 22.125(b).

Administrative Hearings, William P. Clements, Jr. Building, 300 West 15th Street, Fourth Floor, Austin, Texas 78701 to supplement this schedule, including setting a date for the hearing on the merits. If a hearing is not requested on or before August 5, 2019, the prehearing conference otherwise scheduled for August 6, 2019, is automatically cancelled.

<i>SPS Application Filed</i>	<i>June 28, 2019</i>
Intervention Deadline and Deadline for Applicant and Intervenors to Request a Hearing	July 29, 2019
Deadline for Commission Staff to Make a Final Recommendation or Request a Hearing	August 5, 2019
If Hearing Requested, Prehearing Conference to Set Further Procedural Schedule.	August 8, 2019
If No Hearing Requested, Parties to Provide a Joint Proposed Order, including supporting documents	August 28, 2019
Implementation of Interim Rates, one time customer bill credit to customers of \$16,217,079.52	September 2019

V. Motion to Intervene

On July 8, 2019, TIEC filed a motion to intervene in this docket. No party filed a timely objection to that motion. TIEC's motion to intervene is, therefore, **GRANTED**.

SIGNED July 16, 2019.



STEVEN H. NEINAST
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS