



Control Number: 49737



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DOCKET NO. 49737

**APPLICATION OF SOUTHWESTERN
ELECTRIC POWER COMPANY FOR A
CERTIFICATE OF CONVENIENCE
AND NECESSITY AUTHORIZATION
AND RELATED RELIEF FOR THE
ACQUISITION OF WIND GENERATION
FACILITIES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF’S RECOMMENDATION ON THE SUFFICIENCY OF THE
APPLICATION, NOTICE AND REQUEST FOR HEARING**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on the Sufficiency of the Application, Notice and Request for Hearing.

I. BACKGROUND

On July 15, 2019, Southwestern Electric Power Company (SWEPCO) filed an application for a certificate of convenience and necessity (CCN) authorization and related relief to acquire an interest in three wind generation facilities. Through a request for proposals process, SWEPCO and its sister company, Public Service Company of Oklahoma, have contracted to acquire project companies owning the following wind facilities: Traverse, Maverick and Sundance, subject to regulatory approval and satisfaction of other conditions.

On July 17, 2019, Order No. 1 was entered requiring Staff to file comments on the sufficiency of the application, notice and a procedural schedule by July 31, 2019. Therefore, this pleading is timely filed.

II. APPLICATION SUFFICIENCY

Staff has reviewed the application for sufficiency. Staff has identified no deficiencies and recommends that the application be deemed sufficient for further processing. Staff notes that SWEPCO filed this docket under PURA §§ 37.053, 37.056 and 37.058. Staff recommends that it be processed pursuant to PURA § 37.058(d) as this proceeding will involve newly constructed

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generating facilities as opposed to existing facilities referenced in PURA § 37.058(c) and the 366-day deadline is therefore applicable.

III. NOTICE SUFFICIENCY

SWEPCO proposed to provide notice of this application to all the parties in Docket Nos. 47461 and 46449,¹ to each of its 184,000 affected customers individually, and by publication in newspapers of general circulation in its Texas service areas once each week for two consecutive weeks and included a form of notice. Order No. 2, filed on July 23, 2019, granted SWEPCO's subsequent request to extend the intervention deadline to September 30, 2019, to accommodate its billing cycle and the deadline for filing proof of notice until October 15, 2019. Order No. 2 further ordered that the proof of notice be clarified to reflect the names and addresses of the parties to Docket Nos. 47461 and 46449, but not to include the names and addresses of all its customers. Staff recommends that the proposed form and methods of notice are sufficient.

IV. PURA § 14.101²

Order No. 1 further required Commission Staff to file comments on PURA § 14.101 applicability. Staff notes that in Docket No. 47461, SWEPCO's previously litigated wind generation CCN, the applicability of PURA § 14.101 was listed as an issue to be addressed in the Preliminary Order.³ Therefore, Staff reserves comment on applicability of PURA § 14.101 at this time because it is anticipated this will also be an issue to be addressed in this docket.

V. REQUEST FOR HEARING

The issues presented in this docket are complex and will require extensive discovery and development of an evidentiary record. Therefore, Staff requests a hearing on the merits, that this

¹ *Application of Southwestern Electric Power Company for Certificate of Convenience and Necessity Authorization and Related Relief for the Wind Catcher Energy Connection Project in Oklahoma*, Docket No. 47461, Order (Aug. 13, 2018) and *Application of Southwestern Electric Power Company for Authority to Change Rates*, Docket No. 46449, Order on Rehearing (Mar. 19, 2018).

² Public Utility Regulatory Act, Tex. Util. Code §§ 11.001 – 66.016.

³ Docket No. 47461, Preliminary Order at 3 (Aug. 31, 2017).

docket be referred to the State Office of Administrative Hearings and, for that reason, Staff will not be proposing a procedural schedule at this time.

V. CONCLUSION

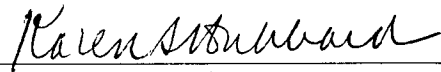
Staff respectfully requests the entry of an order consistent with the above comments and recommendations.

Date: July 31, 2019

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

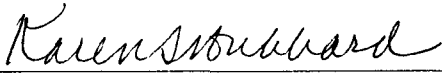


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 31, 2019 in accordance with 16 TAC § 22.74.



Karen S. Hubbard