



## Filing Receipt

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August 31, 2021

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Marty Hopkins  
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600 Congress Avenue Suite 2000  
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**Re: Rule 11 Agreement Regarding SPS's Requests to SPS-TIEC 3-3 and 3-4 in Docket No. 51802**

Dear Ms. Hopkins:

This is to confirm the agreement between Southwestern Public Service Company (SPS) and Texas Industrial Energy Consumers (TIEC) regarding SPS's Requests for Information SPS-TIEC 3-3 and 3-4. As we have discussed, TIEC believes that SPS's requests are objectionable. In an effort to resolve this discovery dispute, SPS and TIEC have agreed as follows:

1. SPS agrees to limit SPS-TIEC 3-3 to: "Please provide all communications between James R. Dauphinais, on the one hand, and the Southwest Power Pool or Federal Energy Regulatory Commission, on the other hand, within the preceding five years concerning the treatment of retail load served by behind-the-meter generation in reporting of Network Load to the Southwest Power Pool."
2. SPS agrees to limit SPS-TIEC 3-4 to: "Please provide all communications between Jeffrey Pollock on the one hand, and the Southwest Power Pool or Federal Energy Regulatory Commission, on the other hand, within the preceding five years concerning the treatment of retail load served by behind-the-meter generation in reporting of Network Load to the Southwest Power Pool."
3. While TIEC believes that SPS's requests as modified are still objectionable, to resolve this dispute, TIEC agrees to respond to SPS-TIEC 3-3 and 3-4 as limited by paragraphs 1 and 2, respectively, subject to paragraph 4.
4. SPS and TIEC agree that TIEC does not waive any valid objection it may have to any other discovery request, deposition question, or cross-examination question that has been or may be posed by virtue of responding to SPS-TIEC 3-3 and 3-4 as modified by this agreement.

If this accurately reflects our agreement, please sign below and return to me.

Sincerely,

/s/ Benjamin B. Hallmark

Benjamin B. Hallmark

Attorney for Texas Industrial Energy Consumers

AGREED:

/s/ Marty Hopkins

Marty Hopkins

Attorney for Southwestern Public Service Company

cc: All parties of record