



Control Number: 52072



Item Number: 37

**Peter M. Lake**  
Chairman

**Will McAdams**  
Commissioner

**Lori Cobos**  
Commissioner

**Jimmy Glotfelty**  
Commissioner



**Greg Abbott**  
Governor

**Thomas J. Gleeson**  
Executive Director

2021 SEP 30 PM 12:55

## *Public Utility Commission of Texas*

**TO:** Peter M. Lake, Chairman  
Will McAdams, Commissioner  
Lori Cobos, Commissioner  
Jimmy Glotfelty, Commissioner

All Parties of Record

**FROM:** Stephen Journey, Commission Counsel

**DATE:** 30 September 2021

**RE:** October 7, 2021 Open Meeting – Item 5  
Docket No. 52072; SOAH Docket No. 473-21-2425 – *Application of Southwestern Public Service Company to Adjust Its Energy Efficiency Cost Recovery Factor*

A proposed order in the above-referenced docket is posted for consideration and action by the Commission. If the Commission adopts the proposed order, I recommend the following changes.

Two new findings of fact should be added after findings of fact 15 and 22 for completeness and finding of fact 41 should be modified for accuracy.

XX. On September 23, 2021, SPS filed the affidavit of Mark A. Walker, associate general counsel for Xcel Energy Services attesting to rate-case expenses incurred in its 2020 EECRF proceeding, Docket No. 50804.

XX. In Order No. 2 filed on September 27, 2021, the ALJ admitted the affidavit of Mr. Walker filed on September 23, 2021.

~~41. In its application, SPS included the testimony of Mr. Cunningham. In reaching his opinion on the reasonableness and necessity of SPS's rate-case expenses, Mr. Cunningham relied on the factors in 16 TAC § 25.245(b). In his testimony, Mr. Cunningham stated that SPS's rate-case expenses are reasonable and necessary. SPS's rate-case expenses incurred in its 2020 EECRF proceeding, Docket No. 50804, in the amount of \$22,980 were reasonable and necessary.~~

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A new conclusion of law should be added after conclusion of law 11 and conclusion of law 20 should be modified for completeness.

XX. SPS's 2022 demand-reduction goal complies with 16 TAC § 25.181 (e)(1)(D).

20. SPS's 2020 rate-case expenses of \$22,980 comply with PURA § 36.061(b)(2) and 16 TAC §§ 25.182(d)(3)(A) and 25.245.

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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