



## Filing Receipt

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**DOCKET NO. 52485**

<b>APPLICATION OF SOUTHWESTERN</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>PUBLIC SERVICE COMPANY TO</b>	<b>§</b>	
<b>AMEND ITS CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY TO</b>	<b>§</b>	
<b>CONVERT HARRINGTON</b>	<b>§</b>	
<b>GENERATING STATION FROM COAL</b>	<b>§</b>	
<b>TO NATURAL GAS</b>	<b>§</b>	

**COMMISSION STAFF’S PROPOSED LIST OF ISSUES**

On August 27, 2021, Southwestern Public Service Company (SPS) filed an application to amend its certificate of convenience and necessity (CCN) to convert the three generation units at Harrington Generating Station from coal generation to natural gas generation.

On November 9, 2021, the Commission Counsel filed an Order requesting lists of issues. The Order required SPS and allowed interested parties to file a list of issues to be addressed in this proceeding, along with identifying any issues which should not be addressed in the docket, and any threshold legal and/or policy issues which should be briefed for purposes of a preliminary order by November 19, 2021. Therefore, this pleading is timely filed.

**I. LIST OF ISSUES**

The Staff (Staff) of the Public Utility Commission of Texas (Commission) recommends that the Commission adopt the following list of issues to be addressed in this docket:

1. Is this amendment of SPS’s certificate of convenience and necessity (CCN) necessary for the service, accommodation, convenience, or safety of the public? In answering this issue, the following factors must be considered:
  - a. The adequacy of existing service;
  - b. The need for additional service;
  - c. The effect of granting the CCN on SPS and any electric utility serving the proximate area;
  - d. Other factors such as:
    - i. Community values;
    - ii. Recreational and park areas;
    - iii. Historical and aesthetic values;

- iv. Environmental integrity;
  - v. The probable improvements of service or lowering of cost to consumers in the area if the certificate is granted; and
  - vi. To the extent applicable, the effect of granting the certificate on the ability of this state to meet PURA's goals of adding renewable energy resources established by PURA 39.904(a).
2. Did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application in accordance with Section 12.0011(b) of the Texas Parks and Wildlife Code?
- a. What modifications, if any, should be made to the proposed project as a result of any recommendations or comments?
  - b. What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?
  - c. What other disposition, if any, should be made of any recommendations or comments?
  - d. If any recommendations or comment should not be incorporated in this project or the final order, or should not be acted upon, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.

## **II. ISSUES NOT TO BE ADDRESSED**

Staff has not identified any issues that should not be addressed in this docket.

## **III. THRESHOLD LEGAL/POLICY ISSUES**

Staff has not identified any legal or policy issues that should be briefed for the purposes of a preliminary order. Both SPS and Staff agree that the Commission has the authority to authorize the construction, operation, and ownership of the natural gas pipeline as part of a holistic review of SPS's request for a CCN amendment. Staff's also takes the position that neither Commission

Rules nor PURA require the Commission to perform a routing analysis of the proposed natural gas pipeline.

Dated: November 19, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

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**PUC DOCKET NO. 52485**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on November 19, 2021 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Mildred Anaele \_\_\_\_\_  
Mildred Anaele