



## Filing Receipt

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**DOCKET NO. 52485**

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

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S  
PROPOSED LIST OF ISSUES**

Southwestern Public Service Company ("SPS" or the "Company") submits this proposed list of issues in accordance with the Order Requesting List of Issues issued in this docket on November 9, 2021.<sup>1</sup>

**I. ISSUES TO BE ADDRESSED**

SPS has identified the following issues that should be addressed in this docket.

**CCN Issues:**

1. Is SPS's proposal to convert the three generating units at Harrington Generating Station from coal generation to natural gas generation necessary for the service, accommodation, convenience, or safety of the public when considering:
  - a. the adequacy of existing service;
  - b. the need for additional service;
  - c. the effect of granting the certificate amendment on SPS and any electric utility serving the proximate area; and
  - d. other factors, such as:
    - i. community values;
    - ii. recreational and park areas;

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<sup>1</sup> Order Requesting List of Issues at 1 (Nov. 9, 2021).

- iii. historical and aesthetic values;
- iv. environmental integrity; and
- v. the probable improvement of service or lowering of cost to consumers in the area if the certificate amendment is granted.

**Texas Parks and Wildlife Department:**

- 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 comments 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. EFFECT OF THRESHOLD BRIEFING ON ISSUES TO BE ADDRESSED**

SPS's application in this proceeding describes its proposal to construct, own, and operate a new natural gas pipeline that will be required in order to convert Harrington Generating Station from coal to natural gas. In Order No. 1, the Commission requested briefing regarding its authority to authorize construction, ownership, and operation of a natural gas pipeline. SPS and Commission Staff both submitted briefing in response to Order No. 1.<sup>2</sup>

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<sup>2</sup> SPS Brief in Response to Order No. 1 (Sept. 30, 2021); Commission Staff's Briefing in Response to Order No. 1 (Sept. 30, 2021).

Both SPS and Commission 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. Commission Staff's briefing also takes the position that neither Commission Rules nor PURA require the Commission to perform a routing analysis of the proposed natural gas pipeline. If the Commission agrees with Commission Staff that no routing analysis is required, then the proposed issues to be addressed listed above are sufficient. However, if the Commission determines that a routing analysis for the new natural gas pipeline to Harrington Generating Station is appropriate, SPS respectfully submits that the following additional issue should be addressed:

1. Which proposed natural gas pipeline route is the best alternative weighing the factors set forth in PURA § 37.056(c)?

### **III. ISSUES THAT SHOULD NOT BE ADDRESSED**

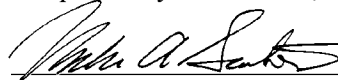
SPS proposes that the following issue not be addressed in this proceeding because the Commission does not have the authority to adjudicate compensation for rights-of-way or for condemnation:

1. What is the appropriate compensation for right-of-way or condemnation of property?

### **IV. CONCLUSION AND PRAYER**

SPS requests that the Commission adopt the list of issues set forth in Section I above. If the Commission determines that a review of the siting of the natural gas pipeline is appropriate, SPS requests that the Commission also add the issue in Section II above. SPS further requests any other relief to which it has shown itself entitled.

Respectfully Submitted,



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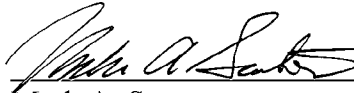
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### **CERTIFICATE OF SERVICE**

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



Mark A. Santos