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Received - 2022-08-18 03:08:10 PM

Control Number - 53719

ItemNumber - 67

**SOAH DOCKET NO. 473-22-04394
PUC DOCKET NO. 53719**

APPLICATION OF ENTERGY	§	BEFORE THE STATE OFFICE
TEXAS, INC. FOR AUTHORITY	§	OF
TO CHANGE RATES	§	ADMINISTRATIVE HEARINGS

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S
MOTION FOR LEAVE TO INTERVENE**

Southwestern Public Service Company (“SPS”) moves to intervene in the above-referenced proceeding in accordance with 16 Tex. Admin. Code §§ 22.103 and 22.104.

This motion is filed outside of the deadline for intervention set forth in the procedural schedule in this matter; however, by this motion SPS seeks leave to allow its late intervention as permitted under 16 Tex. Admin. Code § 22.104(d).

I. Authorized Representatives

SPS's authorized representatives for this case are:

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SPS requests that all documents (motions, orders, discovery requests, discovery responses, etc.) be served on its authorized representatives.

II. Request for Leave to Intervene Late

The intervention deadline in this matter was August 15, 2022. SPS seeks leave to intervene in this matter outside of this deadline pursuant to 16 Tex. Admin. Code § 22.104(d). In determining whether to allow a late intervention the presiding officer may consider, among other things,

whether there is good cause for late intervention, whether the late intervention would prejudice the existing parties, whether the late intervention may disrupt the proceedings, and whether the public interest is likely to be served by the late intervention. *See* 16 Tex. Admin. Code § 22.104(d).

SPS's motion to intervene is filed mere days after the deadline to intervene has elapsed and before a ruling has issued on other motions to intervene; accordingly, allowing the late intervention should not prejudice any other parties. SPS did not receive notice of this case, as SPS is not a customer, statutory party, or typical intervenor in Entergy cases. Nonetheless, SPS's rights could be affected by decisions made in this matter because, as discussed below, the resolution of issues presented in the preliminary order appear to apply beyond this docket.¹ The intervention of Flashpoint Parking, filed three days ago on August 15, 2022, highlights that issues related to utilities owning vehicle-charging facilities and related infrastructure will be an important issue in this docket.² Therefore, there is good cause to allow SPS's intervention.

Further, SPS does not object to the existing procedural schedule and intends to comply with all deadlines; as such, SPS's intervention should not disrupt the proceedings. Finally, allowing SPS's intervention will serve the public interest. As explained below, SPS seeks to intervene in this matter for the purpose of addressing two specific issues raised in the Commission's Preliminary Order regarding utility ownership of electric vehicle charging facilities.³ Because SPS is a utility in a vertically-integrated area in Texas, it has a material interest in these issues.⁴ The public interest will be served by allowing a diversity of parties to address these discrete issues in this proceeding.

¹ *See* Preliminary Order dated August 4, 2022, at Paragraphs 68 and 69

² *See* Motion to Intervene of FlashParking, Inc., filed on August 15, 2022

³ *See* Preliminary Order dated August 4, 2022, at Paragraphs 68 and 69.

⁴ SPS is an electric utility, a public utility and a utility as those terms are defined in Public Utility Regulatory Act ("PURA") §§ 11.004(1) and 31.002(6) Tex. Util. Code Ann., and is a wholly-owned electric utility subsidiary of Xcel Energy Inc. ("Xcel Energy").

II. Standing to Intervene

SPS seeks to intervene in this matter for the purpose of addressing the following discrete issues raised in the Commission's Preliminary Order dated August 4, 2022:

68. Is it appropriate for an electric utility in a vertically integrated area to own vehicle-charging facilities or other transportation electrification and charging infrastructure, or should the ownership of such facilities be left to competitive providers?

69. Should Entergy be allowed to own transportation electrification and charging infrastructure—including vehicle-charging facilities—in the manner it has proposed in its application, or should such ownership be wholly left to customers or third parties?

SPS is a vertically integrated utility in Texas and will be materially impacted by the Commission's resolution of the above issues, which appear to be issues of first impression in Texas. Therefore, SPS has a justiciable interest which may be adversely affected by the outcome of this proceeding within the meaning of 16 Tex. Admin. Code § 22.103(b)(2) and has standing to intervene in this matter. In order for SPS to properly protect its interests with respect to the issue of utility ownership of vehicle-charging facilities, it should be granted leave to intervene in this matter to participate in resolution of these limited issues.

V. Conclusion and Prayer

SPS respectfully requests that the Commission grant SPS's Motion to participate as an Intervenor in this proceeding for the purpose of resolution of the issues set forth in paragraphs 68 and 69 of the Commission's Preliminary Order. SPS further requests such other relief to which it may be entitled.

Respectfully submitted,

/s/ Erika M. Kane

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ATTORNEYS FOR SOUTHWESTERN
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CERTIFICATE OF SERVICE

I certify that on August 18, 2022, a true and correct copy of the foregoing instrument was served on all parties of record by electronic service, hand delivery, Federal Express, regular First Class mail, certified mail, or facsimile transmission.

/s/ Jeremiah W. Cunningham