



## **Filing Receipt**

**Filing Date - 2024-12-12 03:43:05 PM**

**Control Number - 56921**

**Item Number - 33**

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**BEFORE THE**  
**STATE OFFICE OF ADMINISTRATIVE**  
**HEARINGS**

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**APPLICATION OF SOUTHWESTERN PUBLIC SERVICE  
COMPANY TO AMEND ITS INTERRUPTIBLE CREDIT  
OPTION TARIFF AND FOR APPROVAL OF A SOUTHWEST  
POWER POOL INTEGRATED MARKETPLACE DEMAND  
RESPONSE OPTION TARIFF**

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**SOAH ORDER NO. 1**  
**FILING DESCRIPTION; JURISDICTION; SETTING PREHEARING  
CONFERENCE; AND GENERAL PROCEDURES**

**I. FILING DESCRIPTION**

On August 6, 2024, Southwestern Public Service Company (SPS) filed an application (Application) with the Public Utility Commission of Texas (Commission) requesting approval to amend its Interruptible Credit Option tariff and for approval of a Southwest Power Pool Integrated Marketplace demand response option tariff and off-peak alternate rider.

## II. JURISDICTION

On December 10, 2024, the Commission issued its Order of Referral, referring this matter to the State Office of Administrative Hearings (SOAH), requesting the assignment of a SOAH Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. The Commission will file a Preliminary Order, listing issues to be addressed in this proceeding.

The Commission has jurisdiction over this matter under Public Utility Regulatory Act (PURA)<sup>1</sup> §§ 14.001, 32.001(a), and 36.001. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this matter under Texas Government Code § 2003.049 and PURA § 14.053.

## III. SETTING PREHEARING CONFERENCE

A prehearing conference will convene at **9:00 a.m. (CT)** on **January 8, 2025**, remotely via Zoom videoconference. The parties may attend the prehearing conference in one of these ways:

<p><u>Join by computer or smart device:</u> Go to <a href="https://soah-texas.zoomgov.com">https://soah-texas.zoomgov.com</a> and enter the following:</p> <p>Meeting ID:     161 403 6250 Passcode:       PUC886</p>	<p><u>Join by telephone (audio only):</u> Call +1 669 254 5252 and enter the following:</p> <p>Meeting ID:     161 403 6250 Passcode:       141716</p>
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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

The purpose of the prehearing conference is to discuss the following matters:

1. Pending motions filed **by 12:00 p.m. on January 3, 2025**;
2. A procedural schedule;
3. Potential referral to mediation; and
4. Any other matter that may assist in the disposition of this proceeding in a fair and efficient manner.

In developing a proposed procedural schedule, the parties must anticipate a record close date that ensures that the ALJ has 60 days to issue the PFD. Additionally, the parties must endeavor to provide the Commission with enough time for two dates for open meetings to discuss the PFD, and seven calendar days after the last open meeting to issue an order. This can usually be achieved by allowing the Commission five weeks before the effective date to issue an order.

If, no later than **12:00 p.m. on January 3, 2025**, SPS files an agreed procedural schedule that complies with this Order on behalf of all parties and persons/entities with pending motions to intervene, SPS may file an agreed motion to cancel the prehearing conference. The ALJ will rule on such motion after reviewing the proposed schedule.

#### **IV. PROCEDURES**

Except as modified by the Commission or SOAH, the Commission's procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules. The Commission's procedural rules are available at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/procedural.aspx>.

## A. FILING

The Commission is currently only accepting filings made online through the Commission's Interchange e-file system at <https://interchange.puc.texas.gov/filer>. **All filings must contain both the SOAH and PUC docket numbers.**

## B. SERVICE

When a party files a document with the Commission, that party is also required to serve (i.e., provide a copy of that document to) every other party. At this time, service must be accomplished by e-mail.<sup>2</sup> Any party to this proceeding who has not previously provided an e-mail address **SHALL, no later than seven days after the date of this Order**, file a notice informing the parties of the e-mail address to be used for service.

SOAH orders will be served electronically at the e-mail address provided by the parties. Only one address per party will be included on the official service list maintained by SOAH pursuant to 16 Texas Administrative Code § 22.74(b). Corrections to the service list should be directed to the ALJ's legal secretary, Lisa Gomez, by email at [lisa.gomez@soah.texas.gov](mailto:lisa.gomez@soah.texas.gov).

## C. MOTIONS

Unless otherwise specified in the Commission's procedural rules or an order issued in this case, any responses to a motion or other pleading shall be filed **within five working days** from receipt of the motion or pleading. If a party does not

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<sup>2</sup> See 16 Tex. Admin. Code § 22.74(c).

respond, the ALJ will assume that the party agrees with or does not oppose the requested relief.

#### **D. DISCOVERY**

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for in camera inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks in camera review of documents in accordance with Rule 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

**Signed** December 12, 2024.



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Rachelle Nicolette Robles,  
Presiding Administrative Law Judge