



## **Filing Receipt**

**Filing Date - 2025-03-21 02:50:08 PM**

**Control Number - 56921**

**Item Number - 46**

**SOAH ORDER NO. 473-25-07886  
DOCKET NO. 56921**

<b>APPLICATION OF SOUTHWESTERN</b>	§	<b>BEFORE THE STATE OFFICE</b>
<b>PUBLIC SERVICE COMPANY TO</b>	§	
<b>AMEND ITS INTERRUPTIBLE CREDIT</b>	§	
<b>OPTION TARIFF, AND FOR</b>	§	<b>OF</b>
<b>APPROVAL OF A SOUTHWEST</b>	§	
<b>POWER POOL INTEGRATED</b>	§	
<b>MARKETPLACE DEMAND RESPONSE</b>	§	<b>ADMINISTRATIVE HEARINGS</b>
<b>OPTION TARIFF AND AN OFF-PEAK</b>	§	
<b>ALTERNATE RIDER</b>	§	

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S  
NOTICE OF WITNESS SUBSTITUTION**

Southwestern Public Service Company (“SPS”) files this notice that Wesley L. Berger will substitute for Richard Lain as a direct witness for SPS in this proceeding. Mr. Berger will replace Mr. Lain who is no longer with SPS. Mr. Berger adopts Mr. Lain’s direct testimony and attachments, the Application sections sponsored by Mr. Lain, and the discovery responses sponsored by Mr. Lain. Mr. Berger’s affidavit is contained herein. Mr. Berger’s background and qualifications are already included with his prior testimony on file in this docket. SPS will request that Mr. Berger’s affidavit be admitted into evidence at the time it moves for admission of Mr. Lain’s direct testimony. Mr. Berger will be available for cross-examination on the testimony originally submitted by Mr. Lain. No party will be prejudiced by allowing Mr. Berger to adopt Mr. Lain’s direct testimony because the parties have had a full opportunity to conduct discovery regarding the substance of the testimony.

Respectfully submitted,



BY \_\_\_\_\_

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**AFFIDAVIT**

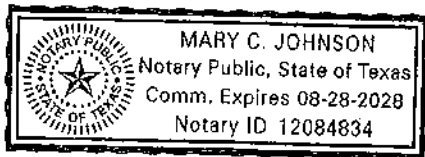
STATE OF TEXAS            )  
  )  
COUNTY OF POTTER        )

WESLEY L. BERGER, first being sworn on his oath, states:

I am the witness who has previously testified in this proceeding, Docket 56921. My background and qualifications are included in Section I of my direct testimony filed August 23, 2024 in Docket 56921. I have read the direct testimony and accompanying attachments originally filed on behalf of Richard Lain in Docket 56921 and am familiar with their contents. I am adopting the testimony of Richard Lain. I have also read and am familiar with the discovery responses prepared by or sponsored by Richard Lain in Docket 56921. I am adopting the sponsorship of the discovery responses originally prepared and sponsored by Richard Lain. Based upon my personal knowledge, the facts stated in the testimony and the discovery responses are true. In addition, in my judgment and based upon my professional experience, the opinions and conclusions stated in the testimony and discovery responses are true, valid, and accurate.

Wesley L. Berger  
WESLEY L. BERGER

Subscribed and sworn to before me this 20 day of March, 2025 by WESLEY L. BERGER.



Mary C. Johnson  
Notary Public, State of Texas  
My Commission Expires: 8-28-28

### **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 March 21, 2025 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

*/s/ Scottie Agnew*