



## **Filing Receipt**

**Filing Date - 2024-12-18 01:56:20 PM**

**Control Number - 57279**

**Item Number - 6**

**DOCKET NO. 57279**

<b>APPLICATION OF LAMB COUNTY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ELECTRIC COOPERATIVE, INC. TO</b>	<b>§</b>	
<b>AMEND A CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>FOR A SERVICE AREA EXCEPTION</b>	<b>§</b>	
<b>IN CASTRO COUNTY</b>	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL AND MOTION TO ADMIT EVIDENCE**

Southwestern Public Service Company (“SPS”) and Public Utility Commission of Texas (“Commission”) Staff (“Staff”) file this Joint Proposed Notice of Approval and Motion to Admit Evidence. Pursuant to Order No. 1, this filing is timely submitted on or before December 18, 2024.

**I. JOINT PROPOSED NOTICE OF APPROVAL**

On November 8, 2024, Lamb County Electric Cooperative, Inc. (“LCEC”) filed an application for a service-area exception in Castro County, Texas. The docket was processed in accordance with applicable statutes and the rules of the Commission. No party intervened or requested a hearing on the merits in this proceeding. Based on LCEC’s application and Commission Staff’s December 10, 2024 memorandum recommending approval of the application, SPS and Commission Staff jointly propose that the attached Notice of Approval, including proposed findings of fact, conclusions of law, and ordering paragraphs, be approved.

**II. JOINT MOTION TO ADMIT EVIDENCE**

SPS and Commission Staff request that the following evidence be admitted into the record: (a) LCEC’s service-area exception application and accompanying attachments (filed on November 8, 2024, Interchange Item No. 1); (b) Commission Staff’s Recommendation on Sufficiency of Application and Notice and Whether the Commission Should Process this Case as a Service Area

Exception (filed November 22, 2024, Interchange Item No. 3); and (c) Commission Staff's Final Recommendation (filed December 10, 2024, Interchange Item No. 5).

### **III. PRAYER**

SPS and Commission Staff respectfully request that this Joint Motion to Admit Evidence be granted and that a Notice of Approval containing the findings of fact, conclusions of law, and order paragraphs attached to this pleading be approved.

Respectfully submitted,

/s/ Stephanie G. Houle

XCEL ENERGY SERVICES INC.  
Stephanie G. Houle  
State Bar No. 24074443  
XCEL ENERGY SERVICES INC.  
919 Congress Ave., Suite 900  
Austin, Texas 78701  
Office: (512) 236-6926  
Facsimile: (512) 236-6935  
stephanie.g.houle@xcelenergy.com

**ATTORNEYS FOR SOUTHWESTERN  
PUBLIC SERVICE COMPANY**

Marisa Lopez Wagley  
Division Director

Andy Aus  
Managing Attorney

/s/ Dylan King  
Dylan King  
State Bar No. 24131431  
1701 N. Congress Ave.  
P.O. Box 13326  
(512) 936-7299  
(512) 936-7268 (facsimile)  
Dylan.King@puc.texas.gov

**ATTORNEYS FOR THE PUBLIC UTILITY  
COMMISSION OF TEXAS LEGAL DIVISION**

---

**CERTIFICATE OF SERVICE**

I certify that on December 18, 2024, this instrument was served on all parties of record in this proceeding via email, in accordance with the Commission's Second Order Suspending Rules issued on March 15, 2020, in Project No. 50664.

/s/ Bobby Jones  
Bobby Jones

**DOCKET NO. 57279**

<b>APPLICATION OF LAMB COUNTY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ELECTRIC COOPERATIVE, INC. TO</b>	<b>§</b>	
<b>AMEND A CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>FOR A SERVICE AREA EXCEPTION</b>	<b>§</b>	
<b>IN CASTRO COUNTY</b>	<b>§</b>	

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Lamb County Electric Cooperative, Inc. (LCEC) for a service-area exception within Castro County. The Commission approves the service area exception to the certificate of convenience and necessity (CCN) of LCEC.

**I. FINDINGS OF FACT**

The Commission makes the following findings of fact.

**Applicants**

1. LCEC is a Texas non-profit corporation registered with the Texas Secretary of State under filing number 7299401.
  2. LCEC operates, maintains, or controls facilities in Texas to provide retail electric utility service.
  3. LCEC is required under CCN number 30099 to provide service to the public and retail electric utility service within its certificated area.
  4. Southwestern Public Service Company (SPS) is a New Mexico corporation registered with the Texas Secretary of State under filing number 1392306.
  5. SPS operates, maintains, or controls facilities in Texas to provide retail electric utility service.
  6. SPS is required under CCN number 30153 to provide service to the public and retail electric utility service within its certificated area.
-

### **Application**

7. On November 8, 2024, LCEC filed an application for a service area exception in Castro County. Specifically, LCEC seeks approval to provide, at the request of Zachary Vanderham (VH Farms Partnership), retail electric service to one 50 horsepower irrigation well (consuming facility).
8. The consuming facility is within SPS's service area.
9. SPS does not currently provide electric service to the consuming facility.
10. SPS agreed, in writing, to relinquish its rights to serve the consuming facility.
11. The consuming facility is not located within any municipality.
12. LCEC and SPS are the only two utilities affected by the proposed service-area exception.
13. SPS provided an affidavit agreeing to the service-area exception and relinquishing its right to provide service to the consuming facility.
14. In Order No. 2, filed November 25, 2024, the Administrative Law Judge (ALJ) found the application to be administratively complete.

### **Criteria to be Considered for Approval**

15. There is no existing service at the consuming facility.
16. LCEC and SPS each has adequate facilities to provide service to the consuming facility.
17. LCEC's facilities are located approximately 0.31 miles away from the consuming facility. SPS's facilities are located approximately 1.25 miles away from the consuming facility. LCEC's facilities are closer and better positioned than SPS's facilities to provide service to the consuming facility.
18. Mr. Vanderham requested, in writing, service from LCEC. There is a need to provide electrical service to the consuming facility.

19. The cost estimate for LCEC to extend service to the consuming facility is estimated to be \$3,221, with the customer not required to contribute any of the cost.
20. The cost estimate for SPS to extend service to the consuming facility is estimated to be \$204,600, with Mr. Vanderham responsible for \$195,000.
21. The consuming facility will receive adequate service and no other entities will be impacted by granting the proposed service-area exception.
22. Granting the service-area exception will not have any negative effect on community values, recreational and park areas, historical and aesthetic values, or environmental integrity.
23. Granting the proposed service-area exception will lower costs to Mr. Vanderham and will not result in any change in service or costs to customers outside of the consuming facility.

**Notice**

24. No additional notice was provided beyond the notice by the applicants to the Commission upon the filing of the application.
25. In Order No. 2 filed on November 25, 2024, the ALJ found good cause to waive the notice requirements in 16 Texas Administrative Code § 22.52(a) and found the notice sufficient because all potentially affected persons received notice of the application.

**Evidentiary Record**

26. In Order No. \_\_, filed on \_\_\_\_, the ALJ admitted the following evidence into the record:
    - a. The application, including all attachments, filed on November 8, 2024.
    - b. Commission Staff's recommendation on the sufficiency of application and notice and whether the commission should process this case as a service area exception, filed on November 22, 2024.
    - c. Commission Staff's final recommendation on disposition, filed December 10, 2024.
-



### **Informal Disposition**

27. More than 15 days have passed since the completion of notice provided in this docket.
28. No person filed a protest or motion to intervene.
29. LCEC, SPS, and Commission Staff are the only parties to this proceeding.
30. No party requested a hearing and no hearing is needed.
31. Commission Staff recommended approval of the application.
32. The decision is not adverse to any party.

### **II. CONCLUSIONS OF LAW**

The Commission makes the following conclusions of law:

1. The Commission has authority over the application under PURA<sup>1</sup> §§ 37.051 and 37.056.
2. LCEC and SPS are retail electric utilities as defined in PURA § 37.001(3).
3. Having considered the factors in PURA § 37.056(c), the proposed service-area exception is necessary for the service, accommodation, convenience, or safety of the public within the meaning of PURA § 37.056(a).
4. This proceeding does not constitute a major rate proceeding as defined by 16 TAC § 22.2(27).
5. Under 16 TAC § 22.5(b), good cause exists to waive the notice requirements specified in 16 TAC § 22.52(a).
6. The requirements for administrative approval in 16 TAC § 25.101(b)(1)(B) have been met in this proceeding.
7. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

---

<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

### **III. ORDERING PARAGRAPHS**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission approves the requested service area exception.
2. LCEC must provide service to the consuming facility and SPS is relieved of its obligation to provide service to the consuming facility.
3. The Commission denies all other motions and any other requests for general or specific relief that the Commission has not expressly granted.

**Signed at Austin, Texas the \_\_\_\_ day of \_\_\_\_\_, 2024.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

---

THOMAS J. GLEESON, CHAIRMAN

---

LORI COBOS, COMMISSIONER

---

JIMMY GLOTFELTY, COMMISSIONER

---

KATHLEEN JACKSON, COMMISSIONER

---

COURTNEY K. HJALTMAN, COMMISSIONER

---