

**SOAH DOCKET NO. 473-25-09020
PUC DOCKET NO. 57463**

APPLICATION OF SOUTHWESTERN	§	BEFORE THE STATE OFFICE
PUBLIC SERVICE COMPANY FOR	§	
APPROVAL OF ITS TRANSMISSION	§	OF
AND DISTRIBUTION SYSTEM	§	
RESILIENCY PLAN	§	ADMINISTRATIVE HEARINGS

AGREED RESPONSE TO SOAH ORDER NO. 3

I. INTRODUCTION

Southwestern Public Service Company (“SPS”) respectfully submits this Agreed Response to SOAH Order No. 3 on behalf of all parties to this proceeding, including Staff of the Public Utility Commission of Texas, the Office of Public Utility Counsel, Texas Industrial Energy Consumers, Golden Spread Electric Cooperative, Inc., IBEW Local Union 602, the Alliance of Xcel Municipalities, and Walmart, Inc. (collectively, the “Parties”). On January 23, 2025, the State Office of Administrative Hearings (“SOAH”) Administrative Law Judge (“ALJ”) issued SOAH Order No. 3, which requires SPS to file: (1) an agreed proposed procedural schedule by January 31, 2025, and (2) a statement as to whether the parties request a referral to mediation.¹ The Parties have authorized SPS to present the SOAH ALJ with their agreements on these issues, which are embodied in sections II and III below.

II. AGREED PROPOSED PROCEDURAL SCHEDULE

The Parties agree to the following proposed procedural schedule (the “Agreed Proposed Procedural Schedule”), which satisfies the requirements specified in SOAH Order Nos. 1 and 3. The Agreed Proposed Procedural Schedule also includes other agreements addressing modified timelines for discovery responses, the discoverability of certain materials, and the submission of hearing exhibits. The Parties respectfully request that the SOAH ALJ issue an order adopting the Agreed Proposed Procedural Schedule, including their other agreements.

¹ SOAH Order No. 3 Memorializing Prehearing Conference, Granting Motion to Intervene, and Setting Deadlines at 2 (Jan. 23, 2025).

Agreed Proposed Procedural Schedule

Event	Date
Application	December 30, 2024
Sufficiency	January 27, 2025
Intervention Deadline	January 30, 2025
16 TAC 26.62(d)(2)(C) sufficiency date	February 14, 2025
Deadline for Discovery on Applicant Direct	February 18, 2025
Objections to Applicant Direct Testimony	February 21, 2025
Response to Objections to Applicant Direct	February 28, 2025
Intervenor Direct Testimony	February 28, 2025
Objections to Intervenor Direct	March 4, 2025
Staff Direct Testimony	March 7, 2025
Response to Objections to Intervenor Direct	March 7, 2025
Settlement Conference	March 10, 2025
Objections to Staff Direct	March 11, 2025
Deadline for Discovery on Intervenor/Staff Direct	March 12, 2025
Response to Objections to Staff Direct	March 14, 2025
Applicant Rebuttal and Staff/Intervenor Cross-Rebuttal	March 17, 2025
Deadline for Discovery on Applicant Rebuttal and Staff/Intervenor Cross-Rebuttal	March 19, 2025
Objections to Applicant Rebuttal and Staff/Intervenor Cross Rebuttal	March 20, 2025
Prefiling of hearing exhibits (excluding cross-examination exhibits)	March 20, 2025
Response to Objections to Applicant Rebuttal and Staff/Intervenor Cross-Rebuttal	March 24, 2025
Hearing on the Merits	March 25-26, 2025
Initial Briefs	April 8, 2025
Reply Briefs, Proposed FoFs and CoLs	April 15, 2025

Other Agreements

1. Discovery Deadlines on Applicant Direct (for discovery served after the Parties file an agreed procedural schedule):
 - a. Responses are due 10 calendar days after service
 - b. Objections are due 7 calendar days after service
 - c. Motions to compel are due 5 business days after objection
 - d. Responses to Motions to compel are due 5 business days after motion
2. Discovery Deadlines on Staff/Intervenor Direct, Applicant Rebuttal, and Staff/Intervenor Cross-Rebuttal:
 - a. Responses are due 3 business days after service
 - b. Objections are due 2 business days after service
 - c. Motions to compel are due 2 calendar days after objection
 - d. Responses to motions to compel are due 2 calendar days after motion, or live at the hearing
3. Discovery requests received after 3:00 p.m. (CT) will be considered received on the following business day.

4. Cross-examination exhibits shall be submitted no later than 7:00 p.m. (CT) on the day(s) before each day of the hearing that the party anticipates using the exhibits.
5. Drafts of testimony and emails conveying drafts of testimony are not discoverable.

III. STATEMENT REGARDING MEDIATION

The Parties have discussed whether a joint request for mediation is appropriate for this proceeding and agree that they will **not** request a referral to mediation.

IV. CONCLUSION

On behalf of the Parties, SPS respectfully requests that the SOAH ALJ issue an order adopting the Agreed Proposed Procedural Schedule, including the Parties other agreements. SPS is authorized to represent that no Party opposes this request.

Respectfully Submitted,

/s/ Jared M. Jones

XCEL ENERGY SERVICES INC.

WILKINSON BARKER KNAUER, LLP

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

Will DuBois
State Bar No. 24115340
Marty Hopkins
State Bar No. 24059970
812 San Antonio St., Suite 310
Austin, Texas 78701
wdubois@wbklaw.com
mhopkins@wbklaw.com
(737) 770-3412 (DuBois)
(737) 700-3413 (Hopkins)
(512) 236-6935 (Fax)

VINSON & ELKINS LLP

Jaren A. Taylor
State Bar No. 24059069
Jared M. Jones
State Bar No. 24117474
2001 Ross Avenue, Suite 3900
Dallas, Texas 75201
(214) 220-7735 (Office)
(214) 999-7735 (Fax)
jarentaylor@velaw.com

ATTORNEYS FOR SOUTHWESTERN PUBLIC SERVICE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2025, a true and correct copy of the foregoing was provided by electronic mail to all parties who have intervened in Commission Docket No. 57463, in accordance with the Commission's Second Order Suspending Rules issued in Project No. 50664 on July 16, 2020.

/s/ Jared M. Jones

Attorney for Southwestern Public Service Co.