

126 FERC ¶ 61,208  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

March 6, 2009

In Reply Refer To:  
Southwestern Public Service Company  
Docket Nos. EL05-19-010  
EL05-19-011  
EL05-19-012  
ER05-168-009  
ER05-168-010  
ER05-168-011  
ER06-274-014  
ER06-274-015  
ER06-274-016

Jones Day  
51 Louisiana Avenue, NW  
Washington, DC 20001

Attention: Clark Evans Downs, Esq.  
Attorney for Southwestern Public Service Company

Reference: Settlement Amendment Nos. 4, 5, and 6

Dear Mr. Downs:

1. On October 14, 2008, Southwestern Public Service Company (SPS), on behalf of itself, Golden Spread Electric Cooperative, Inc. and Lyntegar Electric Cooperative, Inc. (collectively Golden Spread), and Occidental Permian Ltd. and Occidental Power Marketing, L.P. (collectively Occidental), filed Amendment No. 4<sup>1</sup> to the Offer of Settlement and Settlement Agreement (Settlement) filed on December 3, 2007 and approved by the Commission on April 21, 2008.<sup>2</sup> On October 31, 2008, SPS, on behalf

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<sup>1</sup> Amendment No. 4 was filed in Docket Nos. EL05-19-010, ER05-168-009, ER06-274-014.

<sup>2</sup> See *Golden Spread Elec. Coop., Inc.*, 123 FERC ¶ 61,054 (2008).

of itself, Golden Spread, and Occidental, filed Amendment No. 5 to the Settlement.<sup>3</sup> On November 26, 2008, SPS, on behalf of itself, Golden Spread, and Occidental, filed Amendment No. 6 to the Settlement.<sup>4</sup> The Commission finds that Amendment Nos. 4 and 6 are just and reasonable and will accept them for filing. The Commission rejects Amendment No. 5 as moot.

2. In Amendment No. 4, the parties seek to extend the time to complete certain filing obligations set forth in the Settlement. The first of these is SPS and Golden Spread's obligation to initiate action with the New Mexico Public Regulation Commission (NMPRC) to obtain a determination that the Replacement Power Sales Agreement (RPSA) between SPS and Golden Spread is reasonable. The second is SPS and Golden Spread's obligation to file with the Commission an amended RPSA to add Mustang Station Units 4 and 5, and the Ranger Units 1-4 to the list of Golden Spread resources from which replacement energy would be made available to SPS. Amendment No. 4 extends the time to complete this filing obligation to no later than October 31, 2008.

3. In Amendment No. 5, the parties explain that SPS made the requisite filing with the NMPRC on October 31, 2008. However, the parties seek to extend the time to file with the Commission an amended RPSA to December 1, 2008. In Amendment No. 6, the parties further extend the time to file the amended RPSA with the Commission to December 31, 2008.

4. The Commission finds that Amendment Nos. 4 and 6 are reasonable and will accept them. Because Amendment No. 6 seeks an extension of time to complete the same filing obligations addressed in Amendment No. 5, Amendment No. 6 supersedes Amendment No. 5. As such, the Commission rejects Amendment No. 5 as moot.

5. The Commission's acceptance of Settlement Amendment Nos. 4 and 6 does not constitute precedent regarding any principle or issue in this proceeding.

By direction of the Commission. Commissioner Kelliher is not participating.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>3</sup> Amendment No. 5 was filed in Docket Nos. EL05-19-011, ER05-168-010, and ER06-274-015.

<sup>4</sup> Amendment No. 6 was filed in Docket Nos. EL05-19-012, ER05-168-011, and ER06-274-016.