

125 FERC ¶ 61,284  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

December 12, 2008

In Reply Refer To:  
Xcel Energy Services Inc.  
Docket Nos. ER09-72-000  
OA08-35-002

Xcel Energy Services Inc.  
Attn: James P. Johnson, Esq.  
Assistant General Counsel  
414 Nicollet Mall – Fifth Floor  
Minneapolis, MN 55401

Dear Mr. Johnson:

1. On October 15, 2008, Xcel Energy Services Inc. (Xcel) submitted for filing its revised Attachment R -- PSCo (the regional planning process for Public Service Company of Colorado (PSCo)), Attachment R -- SPS (the regional planning process for Southwestern Public Service Company (SPS)), and section 12 to PSCo's and SPS's Joint Open Access Transmission Tariff. The filing was intended to comply with the Commission's orders issued on July 11, 2008,<sup>1</sup> and July 17, 2008.<sup>2</sup> For the reasons stated below, we reject the portion of Xcel's submittal that is beyond the scope of a compliance filing.

2. Xcel's filing was noticed in the *Federal Register*, 73 Fed. Reg. 63,466 (2008), with protests or interventions due on or before November 5, 2008. On November 5, 2008, Golden Spread Electric Cooperative, Inc. (Golden Spread) filed a timely motion to intervene and protest. Golden Spread raises issues specifically relating to two of the planning principles set forth in Order Nos. 890 and 890-A. On November 20, 2008, Xcel filed an answer responding to Golden Spread's concerns.

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<sup>1</sup> *Xcel Energy Services, Inc. – Southwestern Public Service Company*, 124 FERC ¶ 61,029 (2008) (July 11 Order).

<sup>2</sup> *Xcel Energy Services, Inc. – Public Service Company of Colorado*, 124 FERC ¶61,052 (2008) (July 17 Order).

3. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2008), Golden Spread's timely, unopposed intervention makes it a party to the proceeding.
4. Although Xcel's filing purports to be a compliance filing, it includes additional revisions that were not directed by the Commission in the July 11 or July 17 Orders. Most notably, such proposed revisions include a change in the planning horizon from five years to ten years for PSCo. Xcel also states that it has reorganized Attachment R -- PSCo to be more consistent with the "Attachment K" format of other utilities in the Western Interconnection, including the addition of overviews of the types of studies performed and more detail regarding stakeholder participation in the PSCo study process.
5. The Commission has long established that compliance filings must be limited to the specific directives ordered by the Commission. The purpose of a compliance filing is to make the directed changes and the Commission's focus in reviewing them is whether they comply with the Commission's previously stated directives.<sup>3</sup> Therefore, that portion of Xcel's filing which revises the planning horizon and reorganizes Attachment R -- PSCo is rejected. To the extent the filing was made in compliance with the July 11 and July 17 Orders, that portion of the filing, along with the protest and answer, will be addressed by separate order.<sup>4</sup>

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>3</sup> *Pacific Gas and Electric Company*, 109 FERC ¶ 61,336, at P 5 (2004); *Midwest Independent Transmission System Operator, Inc.*, 99 FERC ¶ 61,302, at 62,264 (2002); *ISO New England, Inc.*, 91 FERC ¶ 61,016, at 61,060 (2000); *Sierra Pacific Power Company*, 80 FERC ¶ 61,376, at 62,271 (1997); *Delmarva Power & Light Company*, 63 FERC ¶ 61,321, at 63,160 (1993).

<sup>4</sup> We note that Xcel has also revised its dispute resolution process to include a mediation step. While the Commission did not require Xcel to make this change, in the July 11 and July 17 Orders we strongly encouraged Xcel to consider adding a mediation step, stating that Xcel could do so in the compliance filing. In addition, Xcel made some minor formatting and typographical corrections. Consistent with *New York Independent System Operator, Inc.*, 108 FERC ¶ 61,188 (2004), such ministerial changes may be included in a compliance filing. Therefore, we view these two revisions as being consistent with the July 11 and July 17 Orders and they will be included in the future order addressing the compliance filing.