

125 FERC ¶ 61,235
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

November 26, 2008

In Reply Refer To:
Southwestern Public Service Company
Docket No. ER08-749-000

Southwestern Public Service Company
Jones Day
51 Louisiana Avenue, N.W.
Washington, DC 20001

Attention: Ms. Carolyn Thompson
Southwestern Public Service Company

Reference: Effective Date of Rates

Dear Ms. Thompson:

1. On March 31, 2008, Southwestern Public Service Company (SPS) submitted for filing increased rates for service to its wholesale full requirements customers, particularly related to costs and projected fuel cost savings for the Lea Power plant, with a proposed effective date of June 1, 2008, to coincide with the expected in-service date of the plant. The Commission conditionally accepted the proposed rate changes, and suspended them for a nominal period to become effective June 1, 2008, subject to refund.¹ The Commission also set the matter for hearing but held the hearing in abeyance to permit the parties to engage in settlement discussions.

2. The Lea Power plant did not go into service on June 1, 2008. On June 3, 2008, SPS submitted a motion to delay the June 1, 2008 effective date of its rates. SPS stated that it would advise the Commission of the commercial in-service date of the plant as soon as it was known. The Commission granted the motion to delay the effective date

¹ *Southwestern Public Service Company*, 123 FERC ¶ 61,225 (2008) (May 30 Order).

and directed SPS to provide notice of the commercial in-service date of the Lea Power plant as soon as it was known and further directed SPS to request that the rates go into effect on that date.²

3. On September 24, 2008, SPS filed a notice informing the Commission that it began purchasing capacity and energy from the Lea Power plant on September 16, 2008. In its notice, SPS requests that the Commission issue an order making the revised rates effective as of September 16, 2008, subject to refund.

4. Notice of the filing informing the Commission of the in-service date was published in the *Federal Register*, 73 Fed. Reg. 59,618 (2008), with interventions, comments and protests due on or before October 10, 2008. No parties filed protests or comments.

5. Consistent with the May 30 Order, we grant SPS's request that the proposed rates become effective September 16, 2008, subject to refund, to coincide with the commercial in-service date of the Lea Power Plant.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

² *Southwestern Public Service Company*, 123 FERC ¶ 61,255 (2008).