BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

PUBLIC SERVICE COMPANY'S)APPLICATION REQUESTING A)DETERMINATION ON LOCATION)APPROVAL OF TWO SOLAR FACILITIES, A)BATTERY ENERGY STORAGE SYSTEM,)CASE NO. 24UTAND A 230 KV TRANSMISSION)GENERATION TIE LINE IN LEA COUNTY)	
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BATTERY ENERGY STORAGE SYSTEM, AND A 230 KV TRANSMISSION GENERATION TIE LINE IN LEA COUNTY)CASE NO. 24UT UT)	
AND A 230 KV TRANSMISSION) GENERATION TIE LINE IN LEA COUNTY)	
GENERATION TIE LINE IN LEA COUNTY)	Т
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AND OTHER ASSOCIATED RELIEF,)	
)	
SOUTHWESTERN PUBLIC SERVICE	
COMPANY,	
APPLICANT.)	

PROPOSED NOTICE TO CUSTOMERS

NOTICE IS HEREBY GIVEN that:

- In accordance with Section 62-9-3 of the Public Utility Act and 17.9.592 NMAC, on March 28, 2024, Southwestern Public Service Company ("SPS") filed an application with the New Mexico Public Regulation Commission ("Commission") requesting that the Commission determine whether location approval by the Commission is required for the following new facilities to be located in Lea County, New Mexico: (a) Cunningham 1 Solar, a 72 MW solar facility located at SPS's existing Cunningham Generating Station; (b) Cunningham 2 Solar, a 196 MW solar facility located at SPS's existing Cunningham Generating Station; and (c) Cunningham 1 Battery, a 36 MW battery energy storage system located at SPS's existing Cunningham Generating Station further requests that the Commission determines location approval is required, SPS's application further requests that the Commission issue an order: (1) granting location approval of a proposed 230/115-kV double circuit transmission (Gen-tie) line route and substation that will connect the SPS Self-Build Projects with SPS's existing Cunningham Generation Substation; and (2) granting location approval of the SPS Self-Build Projects.
- 2. SPS's application also requests that the Commission issue a decision within 60 days after notice is given, if no protest is filed, or, if a protest is filed, within 90 days of the Commission's final decision in Case No. 23-00252-UT.

- 3. By order issued in this case on _____, 2024, the Hearing Examiner established the following procedural schedule and requirements for this case:
 - A. Any person desiring to become a party to this case must file with the Commission's records department at <u>prc.records@prc.nm.gov</u> a Motion for Leave to Intervene in conformity with Rules 1.2.2.23(A) and 1.2.2.23(B) NMAC on or before ______, 2024. All motions for leave to intervene shall be served on all existing parties and other proposed intervenors of record. A copy shall also be emailed to the Hearing Examiner at ______ in Microsoft Word format.
 - B. The Commission's Utility Division Staff shall, and any intervenors may, file direct testimony on or before _____, 2024.
 - C. Rebuttal testimony may be filed on or before _____, 2024.
 - D. A public hearing will be held, if necessary, beginning at on ______, 2024, and will continue through ______, 2024, as determined to be necessary by the Hearing Examiner. Each hearing session shall commence at _____ Mountain Time ("MT") unless otherwise ordered.
 - E. Based on present conditions and logistical issues, the Hearing Examiner has concluded that it will be necessary to conduct any public hearing via the Zoom videoconference platform. Access to and participation in the public hearing shall be limited to party participants (i.e., counsel and witnesses), the Commissioners, and other essential Commission personnel. Any Zoom hearing will be livestreamed through YouTube and will be displayed on the Commission's website at https://www.nm-prc.org. Persons not participating in the evidentiary hearing as an attorney or witness may view the hearing on the Commission's website and shall not join the hearing via Zoom except to provide oral comments as allowed in paragraph 7 below.
- 4. In accordance with NMSA § 62-9-3(K), the Commission may approve SPS's request for location approval without formal hearing if no protest is filed within sixty (60) days after notice has been given that the Application has been filed.
- 5. The Commission's Rules of Procedure (Rule 1.2.2 NMAC) shall apply in this case except as modified by order of the Commission or Hearing Examiner. A copy of such Rules may be obtained from the offices of the Commission and are available online at the official NMAC website: <u>https://www.srca.nm.gov/nmac-home/nmac-titles/</u>.

- 6. Interested persons who are not affiliated with a party may make oral or written comments in accordance with Rule 1.2.2.23(F) NMAC without becoming an intervenor. Oral comments shall be taken at the beginning of the evidentiary hearing on ______, 2024, and commenters shall be limited to three minutes per comment. Written public comments may be submitted before the Commission takes final action in this proceeding by sending the comment, which shall reference Case No. 24-00___-UT, to prc.records@prc.nm.gov. In accordance with Rule 1.2.2.23(F) NMAC, oral or written comments shall not be considered as evidence in this proceeding.
- 7. SPS's Application, together with supporting pre-filed direct testimony, any exhibits, and related papers, may be examined by any interested person online at the Commission's website at <u>https://edocket.prc.nm.gov</u>, on Xcel Energy's New Mexico filings website (https://www.xcelenergy.com/company/rates_and_regulations/filings), in person at the offices of SPS or the Commission at the following addresses, or by calling SPS at 1-800-895-4999 during normal business hours. All inquiries or written comments should reference Case No. 24-00 -UT.

Mike McLeod, Manager Community Relations Southwestern Public Service Company 111 E. Fifth Street Post Office Box 1937 Roswell, New Mexico 88201 (575) 625-5499 or 1-800-895-4999

Records Management Bureau New Mexico Public Regulation Commission P.O. Box 1269 Santa Fe, New Mexico 87504-1269 (505) 827-6956

8. Pursuant to 17.9.592.13 NMAC, the Application, supporting pre-filed direct testimony and attachments may also be examined by any interested person at:

Lovington Public Library	Hobbs Public Library
115 Main Street	509 N Shipp Street
Lovington, NM 88260	Hobbs, NM 88240

9. Anyone filing pleadings, testimony, or other documents in this case shall (1) serve copies on all parties of record and the Commission Staff via email on the date they are filed with the

Commission and (2) comply with the Commission's Electronic Filing Policy, as amended from time to time. The Electronic Filing Policy requires all filings to be made by emailing the filing in PDF format and with electronic signatures to <u>prc.records@prc.nm.gov</u> within the regular business hours of the due date to be considered timely filed. Documents received after regular business hours will be considered filed the next business day. Regular business hours are 8:00 a.m.–5:00 p.m. MT. All filings shall also be sent to the Hearing Examiner at ______ and shall include versions created in Microsoft Word or other applicable native formats if available.

- 10. The procedural dates and requirements currently set in this case are subject to further order of the Commission or the Hearing Examiner. Interested persons should contact the Commission at (505) 690-4191 or <u>ana.kippenbrock@prc.nm.gov</u> for confirmation of the hearing date, time, and place because hearings are occasionally rescheduled or canceled if deemed not required in the discretion of the Hearing Examiner or the Commission.
- 11. Any person filing prepared testimony consistent with Rule 1.2.2.35(I) NMAC on behalf of a party shall attend the hearing and submit to examination under oath. No person shall testify at the hearing unless that person has pre-filed testimony.
- 12. Additional details regarding this proceeding and its procedural requirements are set forth in the Hearing Examiner's _____, 2024 Procedural Order.
- 13. Any person with a disability requiring special assistance to participate in this proceeding should contact the Commission at 505-827-4500 at least 24 hours prior to the commencement of the hearing.

ISSUED at Santa Fe, New Mexico, this _____ day of _____, 2024.

NEW MEXICO PUBLIC REGULATION COMMISSION

Hearing Examiner