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# *Public Utility Commission of Texas*

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## **Commissioner Memorandum**

MAY 12 PM 12:26

**TO:** Commissioner Arthur C. D'Andrea  
Commissioner Shelly Botkin

**FROM:** Chairman DeAnn T. Walker *DTW*

**DATE:** May 12, 2020

**RE:** May 14, 2020 Open Meeting – Item No. 13  
Docket No. 50556; SOAH Docket No. 473-20-2734 – *Application of Southwestern Public Service Company to Implement a Net Refund for Over-Collected Fuel Costs*

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After reviewing the Proposed Order and information in the docket, including Commission Staff's Correction to the Proposed Order filed on May 4, 2020, I believe that additional information is necessary for the Commission to issue an order in this case. Thus, I request that Southwestern Public Service Company file the additional information prior to the open meeting. If the company is unable to do so, then the Commission should address the order at the next open meeting.

I do not believe that the Commission can simply modify finding of fact 11 without evidence to support the addition of the *Amarillo Globe News* as a newspaper of general circulation in Randall County. I have reviewed the record and cannot find such evidence. I also do not believe that the Commission can simply take official notice of this issue because I do not have a basis to take such notice. Therefore, I request that Southwestern Public Service Company submit proof in the form of evidence that the *Amarillo Globe News* is a newspaper of general circulation in Randall County or cite to the existing evidence, if it does exist. If the *Amarillo Globe News* is not a newspaper of general circulation in Randall County, then Southwestern Public Service Company needs to address the issue of notice. Without such proof, I do not believe that the notice is adequate.

If such evidence is submitted or explained, I recommend that the Commission modify finding of fact 11 to reflect that the *Amarillo Globe News* is also a newspaper of general circulation in Randall County. Additional modifications will need to be made to the order to address the new evidence, if such is entered into the record.

I also propose delegating to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.