

**IN THE MATTER OF SOUTHWESTERN
PUBLIC SERVICE COMPANY'S 2026
INTEGRATED RESOURCE PLAN FOR NEW
MEXICO**

**SOUTHWESTERN PUBLIC SERVICE
COMPANY,**

APPLICANT

**SOUTHWESTERN PUBLIC SERVICE
COMPANY,**

APPLICANT

Southwestern Public Service Company (“SPS”) respectfully requests a procedural variance, pursuant to 17.7.3.17 and 1.2.2.40 NMAC, from the requirement under Rule 17.7.3.11(A)(1) of the New Mexico Public Regulation Commission’s (the “Commission”) Integrated Resource Plan (“IRP”) Rule that a utility’s action plan cover a three-year period following the filing of the utility’s IRP. SPS proposes to implement a four-year action plan for its current, 2026 IRP, which is being filed with this request. For the following reasons, there is good cause to grant this procedural variance and allow SPS to use a four-year action plan, which will reset the cadence of SPS’s IRP filings consistent with the Rule. Moreover, the use of a four-year action plan is supported by a consensus of the participants in the stakeholder process leading up to the filing of the IRP.

1. The IRP Rule at 17.7.3.8(C) staggers IRP filings among Public Service Company of New Mexico (“PNM”), SPS, and El Paso Electric Company (“EPE”). It originally set their filing deadlines for September 1 of 2023, 2024, and 2025, respectively. 17.7.3.8(C) NMAC. Combined with the three-year cycle in 17.7.3.8(A) NMAC, that schedule places SPS’s subsequent filings in 2027, 2030, and 2033.

2. In SPS's first IRP under the Commission's current IRP Rule, in Case No. 23-00073-UT, SPS filed a Notice of Intent on March 1, 2023 that it intended to file its IRP in advance of the September 1, 2024, due date, and requested a procedural variance. The Commission granted that request on March 22, 2023. *See* Order at 9 (Mar. 23, 2023), in Case No. 23-00073-UT.

3. Accordingly, SPS filed its 2023 IRP on October 13, 2023.

4. SPS's 2023 IRP included a three-year action plan (i.e., 2023-2026).

5. Turning to this case and SPS's 2026 IRP, on November 18, 2025, SPS filed its notice of intent to file its 2026 IRP pursuant to 17.7.3.9(A) NMAC, along with a request for procedural variances. SPS requested the Commission grant procedural variances from the timing requirements of 17.7.3.8(C)(2) and 17.7.3.9(E) NMAC.

6. On December 18, 2025, the Commission issued its Order Granting Requests for Procedural Variances, which granted SPS's requests to file its next IRP earlier than the original staggered deadline under the Rule of September 1, 2027 (i.e., three years after the September 1, 2024 date stated in the Rule) and conduct a longer facilitated stakeholder process.

7. On December 19, 2025, the Commission issued its Order on Designation, designating Agata Malek, Director of the Commission's Office of Technical Analysis and Policy, to serve as the Commission's Designee pursuant to the IRP Rule.

8. On January 6, 2026, the Commission appointed Gridworks to facilitate the stakeholder process pursuant to Section 17.7.3.9 NMAC of the IRP Rule.

9. From March to September 2026, Gridworks and SPS held eight stakeholder workshops, including in-person sessions in Roswell, Hobbs, and Carlsbad, New Mexico.

Stakeholder provided input on modeling, the Statement of Need (17.7.3.10 NMAC), and the Action Plan (17.7.3.11 NMAC).

10. During the stakeholder workshops, SPS evaluated options with stakeholders to expand the action plan to four years to place SPS back on a staggered IRP filing schedule in relation to the filing cadence of the other New Mexico utilities. Stakeholders agreed with this approach, and SPS understands its request for a four-year action plan to be a consensus view among stakeholders and one that is not opposed by any stakeholder.

11. On October 13, 2026, SPS filed a request asking for a 10-day extension to the deadline to submit its IRP to allow SPS to complete review and finalization of the document, including incorporating recent written feedback from stakeholders into the IRP document.

12. On October 19, 2026, the Commission issued its Order Granting Procedural Variance and Extending Deadline to Submit 2026 IRP.

13. On October 23, 2026, contemporaneous with this filing, SPS filed its IRP.

II. REQUEST FOR PROCEDURAL VARIANCE

A. Legal Standard

14. Two rules authorize the requested relief. 17.7.3.17(A) NMAC provides that “[a] utility may file a request for a variance from the requirements of [the IRP] rule.” The Commission’s general variance rule also authorizes relief from any Commission rule or order. 1.2.2.40(A) NMAC.

15. The IRP Rule requires SPS to: “(1) describe the situation which necessitates the variance; (2) set out the effect of complying with this rule on the utility and its customers if the variance is not granted; (3) identify the section(s) of this rule for which the variance is requested; (4) describe the expected result which the request shall have if granted; and (5) state how the

variance shall aid in achieving the purposes of this rule.” 17.7.3.17(B)(1)-(5) NMAC. The general rule requires substantially the same showing and an explanation of the public interest. 1.2.2.40(E) NMAC.

16. Moreover, 17.7.3.17(C) NMAC provides that “[t]he commission may grant a request for a procedural variance through an order issued by the chair, a commissioner, or a designated hearing examiner.” 17.7.3.17(C) NMAC.

B. **Request for Variance from 17.7.3.11(A)(1) NMAC**

17. 17.7.3.11(A)(1) NMAC provides that the utility’s action plan shall “detail the specific actions the utility shall take to implement the IRP spanning a three-year period following the filing of the utility’s IRP.” By this filing, SPS is requesting to extend the action plan in its 2026 IRP to a four-year period.

C. **Variance Element No. 1 – “describe the situation which necessitates the variance,” 17.7.3.17(B)(1) NMAC.**

18. Section I describes why SPS needs the variance. Because SPS filed its 2023 IRP one year earlier than anticipated under the Rule in 17.7.3.8(C), SPS is currently off-cycle in its IRP filings. A four-year action plan will return SPS to the regular three-year cadence, with staggered filings from SPS, PNM, and EPE. This will allow the Commission and stakeholders to consider one IRP under the Rule each year as originally anticipated.

D. **Variance Element No. 2 – “set out the effect of complying with this rule on the utility and its customers if the variance is not granted,” 17.7.3.17(B)(2) NMAC.**

19. If the Commission denies the variance, SPS would use a three-year action plan. This would result in SPS continuing to file its IRPs in the same year as PNM, which is administratively inefficient for the Commission and stakeholders. Overlapping filings could also reduce the input SPS receives through the facilitated stakeholder process. Conversely, a four-year

action plan would not harm SPS or its stakeholders. That period fits the anticipated needs and resource acquisition cycle described in the 2026 IRP (including the Statement of Need and Action Plan).

E. **Variance Element No. 3 – “identify the section(s) of this rule for which the variance is requested,” 17.7.3.17(B)(3) NMAC.**

20. SPS requests a procedural variance from 17.7.3.11(A)(1) NMAC to allow for a four-year action plan. The requested variance is only with respect to the length of the period of the 2026 IRP Action Plan. SPS seeks no variance from any of the substantive requirements for the filing of an action plan.

F. **Variance Element No. 4 – “describe the expected result which the request shall have if granted,” 17.7.3.17(B)(4) NMAC.**

21. If the Commission grants the variance, SPS will use the Action Plan set forth in the contemporaneously filed 2026 IRP for a four-year period. This would restore SPS to a staggered IRP filing cadence with the other electric utilities.

G. **Variance Element No. 5 – “state how the variance shall aid in achieving the purposes of this rule,” 17.7.3.17(B)(5) NMAC.**

22. The purpose of an IRP, first and foremost, is “to meet the service needs of [the utility’s] customers over the planning period.” 17.7.3.8(A) NMAC. The requested procedural variances support that purpose by re-aligning SPS’s IRP filing timeline with the original staggered schedule under the Rule, which will enhance stakeholder participation and Commission review and input. That change directly supports the purposes of the Rule by allowing the Commission to consider one IRP per year as contemplated by the Rule, and enhancing stakeholders’ ability to participate in each utility’s facilitated stakeholder process (including Commission Staff) to devote greater attention to each IRP when only one is considered each year. The Action Plan crafted

during the stakeholder process will support SPS in meeting customer needs as discussed in the Statement of Need over the next four years. And granting the variance supports the outcome of the Rule-driven stakeholder process because a four-year action plan is a consensus recommendation from the stakeholders.

23. SPS satisfies each element of 17.7.3.17(B) NMAC. SPS therefore requests that the Commission grant the request for a procedural variance through “an order issued by the chair, a commissioner, or a designated hearing examiner.” 17.7.3.17(C) NMAC.

III. CONCLUSION

WHEREFORE, SPS respectfully requests that the Commission grant SPS a procedural variance from the three-year action plan requirement of 17.7.3.11(A)(1) NMAC to allow SPS to use a four-year Action Plan in its 2026 IRP.

Respectfully submitted,

/s/ Dana S. Hardy

HARDY McLEAN LLC
Dana S. Hardy, Esq.
Timothy B. Rode, Esq.
125 Lincoln Avenue, Suite 223
Santa Fe, NM 87501
505.230.4410
dhardy@hardymclean.com
trode@hardymclean.com

Matthew S. Larson, Colo. Bar #41305
*Motion for admission *pro hac vice* pending
Samuel D. Eisenberg, Colo. Bar #56961
*Motion for admission *pro hac vice* pending
WILKINSON BARKER KNAUER, LLP
2138 W 32nd Ave., Suite 300
Denver, CO 80211
303.626.2328
mlarson@wbklaw.com
seisenberg@wbklaw.com

Jake Brown, Esq.
XCEL ENERGY SERVICES INC.
919 Congress Ave., Suite 900
Austin, Texas 78701
(512) 987-1947 (Office)
(512) 236-6935 (Fax)
jake.brown@xcelenergy.com

**ATTORNEYS FOR SOUTHWESTERN
PUBLIC SERVICE COMPANY**

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF SOUTHWESTERN	)	
PUBLIC SERVICE COMPANY'S 2026	)	
INTEGRATED RESOURCE PLAN FOR NEW	)	
MEXICO	)	
	)	CASE NO. 25-00076-UT
SOUTHWESTERN PUBLIC SERVICE	)	
COMPANY,	)	
	)	
APPLICANT	)	

CERTIFICATE OF SERVICE

I certify that a true and correct copy of *Southwestern Public Service Company's Request for Procedural Variance* was electronically sent to each of the following on this 23rd day of October 2026:

Southwestern Public Service Company (SPS)	
Jake Brown	Jake.Brown@xcelenergy.com;
Kyle Ingham	Kyle.G.Ingham@xcelenergy.com;
Linda Hudgins	Linda.L.Hudgins@xcelenergy.com;
Matthew Larson	MLarson@wbklaw.com;
Nick Lumley	nick.lumley@xcelenergy.com;
Paul Haverfield	Paul.J.Haverfield@xcelenergy.com;
Zoë E. Lees	Zoe.E.Lees@xcelenergy.com;
1898 & Co.	
Carinna Marling	carinna.marling@1898andco.com;
Alliance of Xcel Municipalities (AXM)	
Alfred R. Herrera	aherrera@herreralawpllc.com;
Herrera Law Service	service@herreralawpllc.com;
Mariann Wood	mwood@herreralawpllc.com;
Scott Norwood	scott@scottnorwood.com;
Sergio E. Herrera	sherrera@herreralawpllc.com;
Amarillo Recycling Company, Inc.	
Rick Russwurm	rrusswurm@mlr-lawfirm.com;
Arevon	
Kimberly Liu	kliu@arevonenergy.com;
Ashley and Susan Wiltshire	
Ashley Wiltshire	atwiltshire@gmail.com;
Susan Wiltshire	susan.f.wiltshire@vanderbilt.edu;

Canadian River Municipal Water Authority	
Joshua D. Katz	jkatz@bickerstaff.com;
Central Valley Electric Cooperative (CVEC)	
Carla R. Najjar	csnajjar@virtuelaw.com;
Daniel A. Najjar	dnajjar@virtuelaw.com;
Wade Nelson	WadeNelson@cvecoop.org;
ChargePoint	
ChargePoint Regulatory Policy	regulatorypolicy@chargepoint.com;
L. Fykes	lfykes@keyesfox.com;
Matthew Deal	matthew.deal@chargepoint.com;
Scott Dunbar	sdunbar@keyesfox.com;
Charles Allison and Eddie and Sherri Schaap	
Carly Barton	cbarton@braungresham.com;
Corina Raven	craven@braungresham.com;
Patrick L. Reznik	preznik@braungresham.com;
Christopher Grotegut and Tierra de Esperanza, Ltd.	
Christopher Grotegut	chrisgrotegut.dvm.95@gmail.com;
Coalition for Clean Affordable Energy (CCAЕ)	
Cara Lynch	Lynch.Cara.NM@gmail.com;
Charles de Saillan	desaillan.ccae@gmail.com;
Chelsea Hotaling	chotaling@energyfuturesgroup.com;
Don Hancock	sricdon@earthlink.net;
Stephanie Dzur	Stephanie@Dzur-Law.com;
Coalition for Community Solar Access (CCSA)	
Joseph Yar	joseph@velardeyar.com;
Kevin Cray	kevin@communitysolaraccess.org;
Shawna Tillberg	shawna@velardeyar.com;
COG	
Michael J. Moffett	mmoffett@cmtisantafe.com;
Deaf Smith Electric Cooperative, Inc.	
Deaf Smith Legal	legal@deafsmith.coop;
Jason Fenton	jason.fenton@uwlaw.com;
Lindsey Rusler	lindsey.rusler@uwlaw.com;
EMNRD	
Evan Rogers	evan.rogers@emnrd.nm.gov;
Federal Executive Agencies (FEA)	
Maj Holly L. Buchanan	holly.buchanan.1@us.af.mil;
Mr. Thomas A. Jernigan	thomas.jernigan.3@us.af.mil;
Mrs. Ebony Payton	ebony.payton.ctr@us.af.mil;
TSgt Rafael Franjul	rafael.franjul@us.af.mil;

Golden Spread Electric Cooperative	
Courtney Conner	cconner@mcginnislaw.com;
Emily Fouts	efouts@gsec.coop;
Carl R. Galant	cgalant@mcginnislaw.com;
James E. Guy	jamesguy@deaconlawgroup.com;
Stephanie Wells	swells@gsec.coop;
Travis Vickery	tvickery@mcginnislaw.com;
Happy West Cattle Co., LLC and Scivally Ranch, LLC	
Gregory M. Klipp	gklipp@thejoneslawfirm.com;
Kenneth Eugene Scivally	kes5@suddenlink.net;
HollyFrontier	
Matthew Marchant	matthew.marchant@hollyfrontier.com;
IBEW Local Union 602	
Bradford W. Bayliff	Brad@bayliff.law;
Jamie L. Mauldin	jmauldin@lglawfirm.com;
Independent Monitor	
Accion Group	IM-SPS2025@acciongroup.com;
Cathy Boies	cboies@gridworks.org
Harold T. Judd	hjudd@acciongroup.com;
Kathryn M. Bailey	kbailey@acciongroup.com;
Margie Tatrow	mtatro@gridworks.org;
Individual Intervenors	
Arlin and Trudy Hartzog - Counsel Jeff Actkinson	Jeffactkinson@amaonline.com;
Marka Stephens	Markastephens@kw.com;
Intersect USA, LLC	
David G. Berlin	dberlin@herreralawpllc.com;
Hen Amir	hen.amir@intersect.com;
Simon Ross	simon.ross@intersect.com;
J2LFA, LLC	
Steve A. Claus	steve@clauspc.com;
Jean Finley	
Liz W. Stout	lstout@msmtx.com;
Paul Tough	ptough@msmtx.com;
Lamb County Electric Cooperative, Inc.	
Blake Moore	Bmoore@lcec.coop;
Don R. Richards	Drichards@reflawfirm.com;
Lea County Electric Cooperative (LCEC)	
John Caldwell	jcaldwell@leacounty.net;

Louisiana Energy Services (LES)	
Joan E. Drake	jdrake@modrall.com;
Michael Gorman	mgorman@consultbai.com;
Perry Robinson	Perry.Robinson@urenc.com;
Susan E. Miller	susan.miller@modrall.com;
Mule Deer Solar LLC and Valle Verde Solar LLC	
Cheryl McAlpine	cheryl.mcalpine@chermacenergy.com;
New Mexico Affordable Reliable Energy Alliance (NM AREA)	
Peter Gould	peter@thegouldlawfirm.com;
New Mexico Department of Justice (NMDOJ)	
Doug Gegax	dgegax@nmsu.edu;
Evan Crocker	ecrocker@nm DOJ.gov;
Joshua LaFayette	JLaFayette@nm DOJ.gov;
Maria Oropeza	moropeza@nm DOJ.gov;
Nicole Teupell	nteupell@nm DOJ.gov;
Randall Woolridge	jrwoolridge@gmail.com;
Brian J. Haverly	bjh@keleher-law.com;
New Mexico Gas Company (NMGC)	
Nicole V. Strauser	nvstrauser@tecoenergy.com;
New Mexico Large Customer Group (NMLCG)	
A.J. Gross	ajgross@hollandhart.com;
Adele Lee	aclee@hollandhart.com;
Alex Palomino	apalomino@energystrat.com;
Austin Rueschhoff	darueschhoff@hollandhart.com;
Austin W. Jensen	awjensen@hollandhart.com;
Julia Broggi	jbroggi@hollandhart.com;
Nikolas Stoffel	nsstoffel@hollandhart.com;
Rick A. Arnett	raarnett@hollandhart.com;
T. Friel	tlfriel@hollandhart.com;
Thorvald A. Nelson	tnelson@hollandhart.com;
Noma Evans	
Christian Stewart	cstewart@mw-law.com;
Tyler Topper	ttopper@mw-law.com;
Occidental Permian Ltd (OPL)	
Anthony J. Trujillo	ajt@gknet.com;
Jeffrey Pollock	jcp@jpollockinc.com;
Katherine L. Coleman	kcoleman@omm.com;
Melissa Trevino	melissa_trevino@oxy.com;
Michael McMillin	mmcmillin@omm.com;
O'Melveny & Myers Service Email	ommeservice@omm.com;

Phillip G. Oldham	poldham@omm.com;
Ryan Pfefferle	ryan_pfefferle@oxy.com;
Office of Public Utility Counsel (OPUC)	
Annanya Chaturvedi	annanya.chaturvedi@opuc.texas.gov;
Chris Ekoh	Chris.ekoh@opuc.texas.gov;
Christiana Segura	christiana.segura@opuc.texas.gov;
Connor Drysdale	connor.drysdale@opuc.texas.gov;
Julie Davis	Julie.Davis@opuc.texas.gov;
Justin Swearingen	justin.swearingen@opuc.texas.gov;
Michael Martinez	michael.martinez@opuc.texas.gov;
OPUC eService	Opuc_eservice@opuc.texas.gov;
Sharbel Sfeir	sharbel.sfeir@opuc.texas.gov;
Orion Engineered Carbons	
Miguel A. Huerta	miguel@mhuertalaw.com;
PRC Advocacy Staff (STAFF)	
Bamadou Ouattara	Bamadou.Ouattara@prc.nm.gov;
Behnam Roshanzadeh	behnam.roshanzadeh@prc.nm.gov;
Daren Zigich	Daren.Zigich@prc.nm.gov;
Ed Rilkoff	Ed.Rilkoff@prc.nm.gov;
Elisha Leyba-Tercero	Elisha.Leyba-Tercero@prc.nm.gov;
Elizabeth Ramirez	Elizabeth.Ramirez@prc.nm.gov;
Erika Avila Stephanz	Erika.Stephanz@prc.nm.gov;
Gabriella Dasheno	Gabriella.Dasheno@prc.nm.gov;
Gilbert Fuentes	GilbertT.Fuentes@prc.nm.gov;
Jack Sidler	Jack.Sidler@prc.nm.gov;
John Bogatko	John.Bogatko@prc.nm.gov;
Jonah Mauldin	Jonah.Mauldin@prc.nm.gov;
Judith Amer	Judith.Amer@prc.nm.gov;
Kaythee Hlaing	Kaythee.hlaing@prc.nm.gov;
LaurieAnn Santillanes	Laurieann.santillanes@prc.nm.gov;
Naomi Velasquez	Naomi.Velasquez1@prc.nm.gov;
Orland Whitney	Orland.whitney@prc.nm.gov;
Peggy Martínez-Rael	Peggy.Martinez-Rael@prc.nm.gov;
Robert Lundin	Robert.Lundin@prc.nm.gov;
Ryan Friedman	Ryan.Friedman@prc.nm.gov;
Sreeman Irrinki	sreeman.irrinki@prc.nm.gov;
Prosperity Works	
Ann Lyn Hall	annlyn@prosperityworks.net;
Roosevelt County Electric Cooperative (RCEC)	
Antonio Sanchez Jr.	sancheza@rcec.coop;

Saffell-Flournoy Trust	
Cameron Saffell	sfttrust@saffellfamily.net;
Sierra Club	
Ashley Soliman	ashley.soliman@sierraclub.org;
Dru Spiller	dru.spiller@sierraclub.org;
Jason Marks	lawoffice@jasonmarks.com;
Joshua Smith	joshua.smith@sierraclub.org;
Ramona Blaber	ramona.blaber@sierraclub.org;
Staff of the Public Utility Commission of Texas	
Andy Aus	andy.aus@puc.texas.gov;
Anna Givens	Anna.Givens@puc.texas.gov;
Brett Adamie	Brett.adamie@puc.texas.gov;
Dylan King	Dylan.King@puc.texas.gov;
Juan Guajardo	Juan.guajardo@puc.texas.gov;
Targa Resources	
Julie Pabon	jpabon@targaresources.com;
Mark A. Walker	mwalker@mandf.com;
Texas Cotton Ginners' Association (TCGA)	
Chris Brewster	chris@bhlawgroup.com;
Tony Williams	kelley@tcga.org;
Laura Pratt	laura@bhlawgroup.com;
Zach Brady	zach@bhlawgroup.com;
Texas Department of Housing and Community Affairs	
Bobby Wilkinson	bobby.wilkinson@tdhca.texas.gov;
Texas Hydrogen LLC	
Texas Hydrogen	mike@txh2.com;
Texas Industrial Energy Consumers (TIEC)	
Benjamin Hallmark	bhallmark@omm.com;
Christian Rice	crice@omm.com;
Harmukh Singh	hsingh@omm.com;
James Zhu	jzhu@omm.com;
Molly Shuminer	mshuminer@omm.com;
O'Melveny & Myers Service Email	OMMservice@omm.com;
United States Department of Energy	
Dwight Etheridge	detheridge@exeterassociates.com;
Peter Meier	peter.meier@hq.doe.gov;
Vote Solar (VS)	
Rick Gilliam	rick@votesolar.org;
Sara Gersen	sgersen@earthjustice.org;

Walmart	
Alex Kronauer	alex.kronauer@walmart.com;
Julie Clark	jclark@clarkenergylaw.com;
Lisa Perry	lisa.perry@walmart.com;
Randy S. Bartell	rbartell@montand.com;
Steve W. Chriss	Stephen.Chriss@walmart.com;
Western Resource Advocates (WRA)	
AnnaLinden Weller	Annalinden.weller@westernresources.org;
Caitlin Evans	caitlin.evans@westernresources.org;
Cydney Beadles	cydney.beadles@westernresources.org;

Respectfully submitted,

/s/ Paul Haverfield

Paul Haverfield
Southwestern Public Service Company
790 S. Buchanan, 7th Floor
Amarillo, TX 79101
(806) 513-1406
Paul.J.Haverfield@xcelenergy.com