APSC FILED Time: 4/24/2015 4:04:01 PM: Recvd 4/24/2015 4:02:35 PM: Docket 13-041-u-Doc. 453

BEFORE THE ARKANSAS PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION	**)**	
OF SOUTHWESTERN ELECTRIC POWER	**)**	
COMPANY FOR A CERTIFICATE OF	**)**	
ENVIRONMENTAL COMPATIBILITY AND	**)**	
PUBLIC NEED FOR THE CONSTRUCTION	**)**	
OWNERSHIP, OPERATION AND MAINTENANCE	**)**	**DOCKET NO: 13-041-U**
OF THE PROPOSED 345 KV TRANSMISSION LINE	**)**	
BETWEEN THE SHIPE ROAD STATION AND	**)**	
THE PROPOSED KINGS RIVER STATION AND	**)**	
ASSOCIATED FACILITIES TO BE LOCATED IN	**)**	
BENTON, CARROLL AND/OR MADISON AND	**)**	
WASHINGTON COUNTIES, ARKANSAS	**)**	

MOTION FOR LIMITED REHEARING

COMES now Southwestern Electric Power Company (hereinafter "SWEPCO" or the "Company") and for its Motion for Limited Rehearing states:

1. That on April 3, 2013, SWEPCO filed its application for a Certificate of Environmental Compatibility and Public Need ("CEPCPN") with the Arkansas Public Service Commission ("APSC").[1]

2. Subsequently, on December 30, 2104, SWEPCO initiated the process to withdraw this CECPN application because it had been notified by the Regional Transmission Organization Southwest Power Pool that the proposed facilities were no longer needed to meet the reliability needs in the region.[2]

3. On January 12, 2015 Save the Ozarks ("STO"), an Intervenor in this Docket, filed its Response to SWEPCO's Notice of Withdrawal.[3] SWEPCO, its regional transmission

[1] Docket No 13-041-U, Document No. 2, Application for CECPN.
[2] Docket No. 13-041-U, Document No. 445, Notice of Withdrawal of Application for Certificate of Environmental Compatibility and Public Need.
[3] Docket No. 13-041-U, Document No. 446.

organization Southwest Power Pool "SPP," and Arkansas Electric Cooperative Corporation ("AECC") filed a Joint Reply to STO's Response on January 20, 2015.[4] There were no further filings until mid-March 2015.

4. If STO had desired "to file a reply to a response" it was required to make such a filing "within seven (7) Days after the filing of the response." Arkansas Public Service Commission *Rules of Practice and Procedure* 3.11. Thus, STO's Surreply was due no later than January 27, 2015—seven days after the Joint Reply was filed.

5. STO filed a belated Motion for Leave to File Surreply <u>and the Surreply itself</u> on March 17, 2015.[5] The Surreply was filed well beyond the seven day deadline and was therefore not properly before the APSC for consideration.

6. This Commission stated that "STO ha[d] failed to show good cause as to why its Motion and Surreply were filed 56 days after SWEPCO filed their Reply, or to present compelling facts for its failure to make a timely filing."[6] Accordingly, the Commission denied STO's Motion for Leave to File Surreply.[7]

7. However, the Commission inaccurately stated that it found "no need to strike the Surreply but will not consider it."[8] Failing to strike the filed Surreply essentially allows it into the record and renders the denial of permission to file it moot. If, as is possible, this docket were to be appealed, the entirety of the record before the APSC would be taken up for appellate review. It would be inappropriate and improper to allow STO to shoe-horn into the record belatedly filed argument and testimony in the form of affidavit. The Commission properly

[4] Docket No. 13-041-U, Document No. 447.
[5] Docket No. 13-041-U, Document Nos. 448 and 449.
[6] Docket No. 13-041-U, Document No. 451, page 12.
[7] Id.
[8] Id.

determined that the Surreply was untimely and denied the motion for leave to file it. If, however, the Surreply is not stricken from the record, the Commission's ruling has no actual effect.

8. The only issue which merits rehearing and reconsideration by this Commission is the failure to grant the Motion to Strike STO's Surreply.[9]

WHEREFORE, SWEPCO prays that this Commission will grant this Motion for Limited Rehearing and will strike STO's improperly filed Surreply from the record.

Respectfully submitted,

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By: /s/ David R. Matthews
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CERTIFICATE OF SERVICE

I, David R. Matthews, attorney for SWEPCO, state that I have on this 24th day of April, 2015, provided a true and correct copy of the above and foregoing instrument to all parties of record electronically, by first class mail or both.

/s/ David R. Matthews
David R. Matthews

[9] Docket No. 13-041-U, Document No. 450, Joint Reply to Save the Ozarks' Motion for Leave to File Surreply and Joint Motion to Strike Save the Ozarks' Surreply.