

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0226E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR AN ORDER EXTENDING THE APPROVED REGULATORY
TREATMENT OF MARGINS EARNED FROM CERTAIN TYPES OF RENEWABLE
ENERGY CREDIT AND ENERGY TRANSACTIONS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
VACATING PREHEARING CONFERENCE, ADOPTING
PROCEDURAL SCHEDULE, SETTING REMOTE
HEARING, AND ADDRESSING ELECTRONIC EXHIBITS**

Mailed Date: August 18, 2020

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I. STATEMENT

A. Background

1. On May 28, 2020, Public Service Company of Colorado (Public Service)
filed a Verified Application for an order granting an extension of the current approved margin

sharing percentages in connection with certain types of transactions involving the sale of Renewable Energy Credits.

2. On June 29, 2020, the City and County of Denver, Colorado (Denver) filed its Motion to Intervene. In its Motion to Intervene, Denver states it is a legally and regularly created, established, organized, and existing home rule city and county, municipal corporation, and political subdivision under the provisions of Article XX of the Constitution of the State of Colorado and the Home Rule Charter of Denver. Denver has a franchise agreement with Public Service relating to the provisioning of electricity within the City and County of Denver.

3. On June 29, 2020, the Colorado Public Utilities Commission Trial Staff filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a), and Request for Hearing.

4. On June 29, 2020, Western Resource Advocates (WRA) filed its Motion for Leave to Intervene and Request for Hearing (Motion for Leave to Intervene). In its Motion for Leave to Intervene, WRA states it is a non-profit conservation organization dedicated to protecting the land, air, and water of the West. WRA states it has a tangible interest in protecting the environment and that this proceeding will directly impact this interest. WRA also states that no other party will represent WRA's interests in this proceeding.

5. During its weekly meeting on July 15, 2020, the Commission referred this matter to an Administrative Law Judge (ALJ).

6. On July 31, 2020, the Colorado Office of Consumer Counsel (OCC) filed its Unopposed Motion for Late-filed Intervention, Its Intervention and Entry of Appearance and Request for Waive of Response Time. The OCC listed a series of issues they wish to investigate.

7. On August 5, 2020, by Decision No. R20-0570-I, the interventions of WRA and Denver were granted for limited issues and a prehearing conference was scheduled for August 25, 2020.

8. On August 17, 2020, Public Service filed its Notice of Filing a Consensus Procedural Schedule Pursuant to Decision No. R20-0270-I (Notice). In the Notice, the parties state they have agreed upon a procedural schedule in the above captioned proceeding and request that the prehearing conference be vacated.

B. Schedule

9. The Parties propose the following schedule:

Answer Testimony	October 16, 2020
Rebuttal & Cross-Answer Testimony	November 13, 2020
Pre-Hearing Motions	November 16, 2020
Stipulations / Settlement Agreements	November 23, 2020
Corrections to Pre-filed Testimony & Exhibits, Witness and Exhibit List	November 30, 2020
Evidentiary Hearing	December 7-8, 2020
Statements of Position	December 18, 2020

10. Finally, the parties agree that Commission Rule 1405, 4 *Code of Colorado Regulations* (CCR) 723-1 of the Rules of Practice and Procedure, will apply to the discovery procedures in this proceeding subject to two modifications: (a) discovery served after 3:00 p.m. on a Friday will be considered as served the next business day for purposes of calculating the due date for responses; and (b) parties will also serve copies of discovery requests and responses to all other parties at the same time requests or responses are provided to the party responding to the discovery requests or who issued the discovery requests. The agreement and modifications to Rule 1405, 4 CCR 723-1, for purposes of this proceeding are adopted.

C. Remote Hearing

15. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over the novel coronavirus pandemic (COVID-19). Since then, Colorado State government and the Commission have been working diligently to address how to safely and effectively manage the challenges presented by COVID-19. These efforts have focused on limiting the disruption to the services delivered by the Commission (and other State agencies), while attempting to mitigate the risks to State employees and the public. For example, the Commission has been conducting its Weekly Meetings remotely, and the Commission has asked members of the public not to attend meetings in person, but to view them by webcast. Finally, public access to the building containing the Commission's offices and hearing rooms has been restricted and no date has been set for access to the hearing rooms.

16. Under these circumstances, the hearing in this proceeding shall be conducted as a remote hearing at which the participants will appear from remote locations. The ALJ finds that holding a remote hearing is consistent with current public health advisories to prevent the spread of COVID-19. The ALJ concludes that it is in the public interest to hold the hearing in this proceeding as a remote hearing.

17. Attachment A to this Decision provides the requirements and information addressing how to use the GoToMeeting platform for participating in the remote hearing.

18. The Parties, in their Notice, requested that the option for a live hearing be preserved. Currently, public access to the building containing the Commission's offices and hearing rooms shall not be resumed before January 3, 2021. Should the conditions change, efforts will be made to convert the hearing from a video conference to a live hearing at the Commission offices.

D. Electronic Exhibits

19. The presentation of evidence at the hearing shall be done through electronic exhibits to the fullest extent possible. Instructions for the electronic presentation of exhibits at the hearing (and for preparing prefiled testimony) are included in Attachment B.

II. ORDER**A. It Is Ordered That:**

1. The prehearing conference scheduled for August 25, 2020 shall be vacated.
2. A remote evidentiary hearing in this proceeding is scheduled as follows:

DATES: December 7 and 8, 2020

TIME: 9:00 a.m.

FOR WEBCASTS: Hearing Room A

METHOD: Join by video conference at the link to be provided by the email from the Administrative Law Judge, **OR**

Join by telephone: Dial the telephone number provided in the email, and when prompted, enter the PIN (or Meeting ID) in the email.

3. The parties, witnesses, and members of the public should not attend the remote hearing in-person.
4. The procedural schedule stated in paragraph 9 above is adopted.
5. In addition to other requirements of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony), all pre-filed hearing exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director