

Decision No. C22-0778-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0315EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS COMBINED ELECTRIC AND NATURAL GAS DEMAND-SIDE MANAGEMENT AND BENEFICIAL ELECTRIFICATION PLAN FOR CALENDAR YEAR 2023.

**INTERIM DECISION GRANTING MOTION TO AMEND
PROCEDURAL SCHEDULE AND REQUEST FOR WAIVER
OF RESPONSE TIME AND AN EXPEDITED DECISION**

Mailed Date: December 1, 2022
Adopted Date: November 30, 2022

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission grants the Motion to Amend Procedural Schedule and Request for Waiver of Response Time and an Expedited Decision (Motion), filed by Public Service Company of Colorado (Public Service or the Company) on November 28, 2022. Through the Motion, Public Service seeks an order vacating the deadline of December 5, 2022 for Answer Testimony, modify the deadline for the filing of a formal written Settlement Agreement and Motion to Approve Settlement Agreement to December 2, 2022, establish December 19, 2022 as the deadline for filing testimony in support of, or in opposition to the Settlement Agreement and convert the January 17, 2023 Rebuttal Testimony deadline to the deadline for Rebuttal/Cross Testimony from Settling Parties. As the Motion is unopposed, Public Service requests that the Commission waive response time, pursuant

to Rule 1308I. Upon review of the Motion, we find good cause to grant the relief sought in the Motion.

B. Procedural History

2. On July 1, 2022, Public Service initiated this matter by filing its Application and Direct Testimony requesting Commission approval of the Company's 2023 Electric and Natural Gas Demand-Side Management (DSM) and Beneficial Electrification (BE) Plan (2023 DSM & BE Plan or Plan). In its Application, Public Service states the 2023 DSM & BE Plan is a combined electric and gas Plan that contains comprehensive descriptions of each of the electric and gas DSM programs that Public Service proposes to implement for calendar year 2023, including BE measures. Public Service explains, while the Company first introduced its existing BE offerings as part of its 2021-22 DSM Plan, this filing is the Company's first DSM Plan to incorporate the new BE Plan elements required by Senate Bill 21-246, effective September 7, 2021.

3. Through Decision No. C22-0530-I, issued September 8, 2022, the Commission established the following parties to this Proceeding: Public Service, Trial Staff of the Commission, the Office of the Utility Consumer Advocate, Colorado Energy Office, City and County of Denver, City of Boulder, Climax Molybdenum Company, Colorado Energy Consumers Group, Energy Efficiency Business Coalition, Energy Outreach Colorado, Iconergy LTD, Southwest Energy Efficiency Project, and Western Resource Advocates.

4. On September 15, 2022, the Commission issued Decision No. C22-0547-I, which among other requests, granted the Company's Unopposed Joint Motion to Approve for Approval of Consensus Procedural Schedule, which included an Answer Testimony deadline of Monday, November 21, 2022, and a Rebuttal/Cross-Answer deadline of Monday, January 9, 2023.

5. On November 18, 2022, the Commission issued Decision No. C22-0741, which extended the date for the filing of Answer Testimony to December 5, 2022, and the filing of Rebuttal and Cross-Answer testimony to January 17, 2023.

C. Motion

6. The Motion explains that the Settling Parties¹ have reached a comprehensive settlement in principle. Public Service states that all parties either support or do not oppose this Motion. Iconergy, LTD continues to oppose certain aspects of the Company's proposed 2023 DSM & BE Plan but does not object to any of the modifications to the Plan made by the Settling Parties.

7. In light of the settlement in principle, the Public Service requests the Commission amend the procedural schedule as follows: (1) vacate the December 5, 2022 Answer Testimony deadline; (2) modify the deadline for the filing of a formal written Settlement Agreement and Motion to Approve Settlement Agreement to December 2, 2022; (3) establish December 19, 2022 as the deadline for filing testimony in support of, or in opposition to the Settlement Agreement, or in the case of Iconergy, Answer Testimony; (4) convert the January 17, 2023 Rebuttal Testimony deadline to the deadline for Rebuttal/Cross Testimony from Settling Parties (i.e. providing Settling Parties the opportunity to rebut any testimony filed by Iconergy). Parties are currently engaging in ongoing settlement negotiations and believe that extending the Answer Testimony deadline by two weeks and the Rebuttal

¹ Settling Parties" include Trial Staff of the Colorado Public Utilities Commission, the Office of the Utility Consumer Advocates, the City and County of Denver, the City of Boulder, Southwest Energy Efficiency Project, Energy Efficiency Business Coalition, Energy Outreach Colorado, the Colorado Energy Office, Climax Molybdenum Company, and Western Resource Advocates. Counsel for the Colorado Energy Consumers (CEC) does not have client authorization to join the Settlement at this time, however, based on the compromises reached, counsel for CEC will recommend that CEC actively endorse or at a minimum not oppose the Settlement. Counsel for CEC anticipates having a final position by the filing of a formal Settlement Agreement on December 2, 2022. Iconergy plans to articulate its position with respect to the Settlement Agreement through its testimony.

Testimony/Cross-Answer Testimony deadline by approximately one week would be beneficial to these discussions.

8. Public Service notes that parties recommend maintaining the current hearing dates, though anticipate the hearing may ultimately conclude in less than three days.

9. Public Service states that because the Motion is unopposed, the Company requests that the Commission waive response time, pursuant to Rule 1308(c). In addition, given the imminent Answer Testimony deadline of December 5, 2022, under the current procedural schedule, Public Service also requests that the Commission issue an expedited decision.

D. Findings and Conclusions

10. Public Service conferred with all the intervening parties in this Proceeding and no party opposes the Motion. We therefore find good cause to waive the remaining response time.

11. We find that good cause exists to grant the motion, which means the Answer Testimony Deadline is vacated, the deadline for the filing of a formal written Settlement Agreement and Motion to Approve Settlement Agreement is extended to December 2, 2022. December 19, 2022 is the deadline for filing testimony in support of, or in opposition to the Settlement Agreement, and the Rebuttal Testimony deadline of January 17, 2023 is now the deadline for Rebuttal/Cross Testimony from Settling Parties.

12. The Commission waives response time to this unopposed Motion.

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

1. The Motion to Amend Testimony Deadlines and Request for Waiver of Response Time and an Expedited Decision (Motion), filed by Public Service Company of Colorado, on November 28, 2022, is granted, consistent with the discussion above.

2. The remaining response time to the Motion is waived.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 30, 2022.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners