

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22AL-0555E

IN THE MATTER OF ADVICE LETTER NO. 1912 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF TO ALLOW THE COMPANY TO PASS THROUGH COSTS FROM THE MONETIZATION OF PRODUCTION TAX CREDITS ASSOCIATED WITH THE RUSH CREEK WIND PROJECT AND THE CHEYENNE RIDGE WIND PROJECT TO BE PASSED THROUGH THE ELECTRIC COMMODITY ADJUSTMENT, TO BECOME EFFECTIVE JANUARY 14, 2023.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN,
EXTENDING TIME FOR A COMMISSION DECISION,
SETTING PROCEDURAL SCHEDULE, AND
SCHEDULING EVIDENTIARY HEARING**

Mailed Date: March 7, 2023

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I. STATEMENT

A. Procedural Background

1. On December 15, 2022, Public Service Company of Colorado (Public Service or the Company) filed Advice Letter No. 1912-Electric with tariff sheets for its Electric Commodity

Adjustment (ECA), seeking to modify its ECA tariff sheets to accommodate transaction costs associated with the monetization of Production Tax Credits (PTCs) associated with the Company's Rush Creek Wind Project and Cheyenne Ridge Wind Project. Public Service states that the change in the ECA tariff is needed to bring the benefits of the tax credit transferability provision of the newly enacted Inflation Reduction Act of 2022 (IRA) to customers.

2. By Decision No. C23-0030 mailed on January 12, 2023, the Commission suspended the effective date of RMNG's Advice Letter for 120 days, or up to and including May 15, 2023. The Commission also ordered that any Interventions be filed within 30 days, or on or before February 10, 2023. Finally, the Commission referred the matter to an Administrative Law Judge (ALJ) for disposition.

3. The Colorado Office of the Utility Consumer Advocate (UCA) filed its Notice of Intervention as a Matter of Right on January 26, 2023. Commission Staff filed a Notice of Intervention as of Right on February 8, 2023.

4. The Company, the UCA, and Commission Staff are thus the parties to this Proceeding.

II. TIME FOR A COMMISSION DECISION

5. In its Advice Letter, Public Service requested that its tariff pages become effective January 14, 2023. The Commission, in its discretion, referred the Advice Letter to a hearing, and pursuant to § 40-6-111(1), C.R.S., suspended the tariff pages' effective date for an additional 120 days, or up to and including May 15, 2023.

6. However, if the Commission in its discretion finds that additional time is necessary for a decision, the period of suspension may be extended an additional 130 days. *See* § 40-6-111(1)(b), C.R.S.

7. In order to facilitate the unopposed procedural schedule to which the parties have agreed, it is found necessary to extend the time for issuance of a Commission decision. The period of suspension of the proposed tariff sheets shall be extended by an additional 130 days up to and including September 22, 2023.

III. PROCEDURAL SCHEDULE

8. On February 13, 23, and 24, 2023, the parties conferred by email with undersigned ALJ regarding a proposed, unopposed procedural schedule to govern this Proceeding.

9. Public Service, UCA, and Commission Staff agreed to the following proposed procedural schedule:

Answer Testimony:	April 7, 2023
Rebuttal/ Cross-Answer Testimony:	April 28, 2023
Stipulations/Settlement Agreements:	May 25, 2023
Prehearing Motions/ Corrections / Cross-Matrix:	May 30, 2023
Evidentiary Hearing:	June 1, 2023
Statements of Position:	June 22, 2023
250-Day Deadline:	September 22, 2023

10. Through Public Service's counsel, the parties requested a hybrid hearing. The undersigned ALJ will therefore schedule a hybrid hearing. If at some time in the future the parties desire a different hearing format, they may so request by motion to be determined by the ALJ.

11. The ALJ notes that the Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission's hearing rooms in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

12. The Parties are further advised and are on notice that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the Parties to be familiar with and to comply with these rules. The rules are available on the Commission's website (<https://puc.colorado.gov/pucrules>).

13. The parties are also on notice that failure to appear at the scheduled evidentiary hearing may result in decisions adverse to their interests, including granting the complete relief opposing parties seek, dismissing interventions, and dismissing or granting the relief requested in the Advice Letter.

14. The ALJ has reviewed the parties' proposed schedule and finds that it is reasonable. It will be adopted, as order below.

15. Informal Video-Conference Practice Session: The ALJ will hold an informal practice video-conference session if requested by any party to give the parties an additional opportunity to practice using Zoom and box.com before the hearing.

16. The parties may contact a Commission Legal Assistant by email at casey.federico@state.co.us, to schedule an informal practice video-conference session.

17. The parties will receive information and a link to participate in the informal practice session by email.

IV. **ORDER**

A. It Is Ordered That:

1. Pursuant to § 40-6-111(1)(b), C.R.S., the period of suspension of RMNG's Advice Letter and the period for issuance of a Commission decision is extended by an additional 130 days, up to and including September 22, 2023.

2. A hybrid hearing is scheduled as follows:

Date: June 1, 2023

Time: 9:00 a.m.

Location: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

METHOD: In-person and by videoconference using Zoom at the link to be provided to counsel and the parties via email prior to the hearing.

Optionally, any party may participate remotely by joining a video conference using Zoom at the link provided to the established parties in an e-mail prior to the scheduled hearing, as addressed above.¹

3. The parties and witnesses may not distribute the Zoom link and access code to anyone not participating in the remote hearing.

¹ Instructions for using the Zoom videoconferencing platform are provided in Attachment A to this Decision.

4. The following procedural schedule is adopted:

Answer Testimony	April 7, 2023
Rebuttal/Cross Answer Testimony	April 28, 2023
Stipulations/Settlement Agreements	May 25, 2023
Prehearing Motions/ Corrections/ Cross-Matrix	May 30, 2023
EVIDENTIARY HEARING	June 1, 2023
Statements of Position	June 22, 2023
250-Day Deadline	September 22, 2023

5. **Video-Conference Participation.** Counsel for the parties, parties, and witnesses may attend in person or participate in the evidentiary hearing by videoconference using the Zoom platform.

6. **Evidence Presentation at the Evidentiary Hearing.** Because the hearing may accommodate remote participation by videoconference, all evidence must be presented electronically. Each party is responsible for ensuring that they and their respective witnesses: (a) have access to all pre-filed exhibits; and (b) can download and view documents available from box.com during the hearing.

7. The parties shall adhere to the following numbering system for their respective exhibits:

- a. Public Service Company of Colorado: Hearing Exhibits 100-199
- b. Commission Staff: Hearing Exhibits 200-299
- c. The Office of the Utility Consumer Advocate: Hearing Exhibits 300-399

8. **The ALJ will hold an informal Zoom practice session upon request.**

9. **Instructions for Preparation and Presentation of Exhibits at Hearing:** 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), detailed additional instructions governing the preparation and presentation of exhibits at the hearing are set out in Attachment B to this order, which is incorporated into and made part of this order.

10. **Instructions for Remote Hearings Via Zoom:** Detailed instructions governing participation in and procedures for remote hearings conducted via Zoom are set out in Attachment A to this order, which is incorporated into and made part of this order.

11. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

G. Harris Adams,
Interim Director