

Decision No. R23-0255-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22F-0263EG

OLSON'S GREENHOUSES OF COLORADO, LLC,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING REQUEST FOR CONTINUANCE AND
ACKNOWLEDGING WAIVER OF STATUTORY
DEADLINE AND WITHDRAWAL OF MOTION**

Mailed Date: April 21, 2023

I. STATEMENT

A. Relevant Background

1. On April 11, 2023, Olson's Greenhouses of Colorado, LLC (Olson's) filed a Motion to Compel or, Alternatively, Motion in Limine, and Motion to Shorten Response Time (Motion). The Motion addresses the alleged failure of Public Service Company of Colorado (Public Service) to respond to Olson's fourth set of discovery allegedly served on March 3, 2023.

2. On April 12, 2023, Public Service filed its Response to the Motion.

3. On April 13, 2023, the parties emailed the undersigned Administrative Law Judge (ALJ) stating that the parties had agreed to resolve the Motion by, among other things, Public Service responding to Olson's fourth set of discovery, the parties requesting the ALJ to vacate and reschedule the hearing to a later date, and Olson's withdrawing the Motion. The parties and the ALJ corresponded further by email to find future dates for the rescheduled hearing that work for the ALJ, the parties' counsel, and the witnesses.

4. On April 14, 2023, Olson's Greenhouses of Colorado, LLC (Olson's) filed a Notice of Waiver of Statutory Deadline, Request to Reschedule Hearing, and Notice of Withdrawal of Motion to Compel (Request). In the Request, Olson's states that it waives the statutory deadline and requests the ALJ to vacate and reschedule the hearing to June 8 and 9, 2023. Olson's also states that, while the parties disagree about the method by which the hearing should be conducted (Olson's prefers an in-person hearing and Public Service prefers a remote hearing), they will "defer to the preference of" the ALJ.¹

B. Analysis

5. Olson's has stated good cause to grant the Request. Accordingly, the hearing scheduled for April 17, 2023, will be vacated, and rescheduled to June 8 and 9, 2023. The hearing will be conducted as a hybrid hearing, which accommodates the preferences of both parties. The ALJ will work to ensure that no party or witness will be prejudiced by participating either in-person or remotely in the hearing, particularly in light of the method by which the other

¹ Request at 2.

party or witnesses chooses to participate in the hearing. As a result, no party or witness should feel compelled to participate in-person if the other party and/or witnesses choose to participate in-person.

C. Instructions for Remotely Participating In, and Observing, Hearing

6. Attachment A to this Decision explains how to use the Zoom platform to remotely participate in the hearing.

7. To minimize the potential that the remote hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

8. It is extremely important that the parties carefully review and follow all requirements in this Decision, Attachment A to this interim decision, and Attachment A to Decision No. R22-0489-I addressing exhibits.

II. ORDER

A. The Commission Orders That:

1. The request to vacate the hearing scheduled for April 17, 2023, and reschedule it to June 8 and 9, 2023 filed by Olson's Greenhouses of Colorado, LLC (Olson's) is granted.

2. The hearing scheduled for April 17, 2023, is vacated, and rescheduled as follows:

DATE: June 8 and 9, 2023
TIME: 9:00 a.m. to 5:00 p.m.
PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

WEBCAST: Commission Hearing Room identified on the Commission's public calendar.

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. It is up to the parties to choose between participating in-person or remotely.

3. Olson's waiver of the statutory deadline is acknowledged.

4. Olson's withdrawal of the Motion to Compel or, Alternatively, Motion in Limine, and Motion to Shorten Response Time filed on April 11, 2023, is acknowledged.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director