

Decision No. R23-0524-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0330E

IN THE MATTER OF APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO
FOR APPROVAL OF A NON-STANDARD EDR CONTRACT, AND FOR DETERMINATION
NO CPCN IS NEEDED FOR CUSTOMER-FUNDED TRANSMISSION FACILITIES.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
WAIVING RESPONSE TIME, ESTABLISHING
PROCEDURES, SCHEDULING HEARING, AND
PROVIDING INSTRUCTIONS CONCERNING EXHIBITS
AND PARTICIPATING IN REMOTE HEARINGS**

Mailed Date: August 8, 2023

I. STATEMENT

A. Procedural Background

1. On June 23, 2023, Public Service Company of Colorado (Public Service or Company) filed an Application for Approval of a Non-Standard Economic Development Rate (EDR) Contract, and for Determination No Certificate of Public Convenience and Necessity (CPCN) is Needed for Customer-Funded Transmission Facilities (Application).

2. Also on June 23, 2023, along with the Application, Public Service filed a Motion for Expedited Procedures, Commission Decision, and for Waiver of Commission Rule 1505(a).

3. On June 30, 2023, Response in Opposition to Motion for Expedited Procedures, Commission Decision, and Waiver of Commission Rule 1505(a) was filed by UCA.

4. By Decision No. C23-0438-I, issued on June 30, 2023, the Commission granted the Company's request for shortened notice and intervention period through July 14, 2023, and set a response time to the Motion Requesting Expedited Procedures through July 14, 2023.

5. On July 13, 2023, Response to Motion for Expedited Procedures, Commission Decision and Waiver of Commission Rule 1505(a) was filed by Staff.

6. On July 18, 2023, Public Service Company of Colorado's Motion for Leave to Reply and Reply to Commission Trial Staff's Response to Motion for Expedited Procedures, Commission Decision, and for Waiver of Commission Rule 1505(e) was filed.

7. By Decision No. C23-0472-I, issued on July 21, 2023, the Commission deemed the Application complete, granted the Motion for Leave to Reply, referred the matter to an Administrative Law Judge (ALJ) for a Recommended Decision, and denied, in part, the Motion for Expedited Procedures.

8. By Decision No. R23-0478-I, issued on July 26, 2023, the undersigned ALJ disclosed that from December 1, 2022 through April 30, 2023, he acted as Interim Director of the Public Utilities Commission. The Decision directed any present or future party to this proceeding to move for recusal or disqualification of the ALJ if they believe a basis for such recusal or disqualification exists.

9. Also on July 26, 2023, by Decision No. R23-0479-I, the undersigned ALJ noted the interventions of right by the Office of Utility Consumer Advocate (UCA) and Staff of the Public Utilities Commission (Staff), and granted permissive intervention of QTS Aurora Infrastructure,

LLC (QTS), Colorado Energy Consumers (CEC), and Climax Molybdenum Company (Climax) as parties to this Proceeding.

10. On August 1, 2023, the Unopposed Motion of Public Service Company of Colorado to Approve Consensus Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion) was filed. The Unopposed Motion states that all parties have agreed to the consensus procedural schedule and no party opposes the relief. The parties request that the Evidentiary Hearing or Settlement Hearing, as applicable, be fully remote. The Company also requests the ALJ waive the response time to the Unopposed Motion.

II. PROCEDURAL SCHEDULE AND UNIFIED NUMBERING SYSTEM FOR HEARING EXHIBITS

11. Public Service's Unopposed Motion proposed a procedural schedule that was unanimously agreed upon by all parties. The proposed schedule is reasonable and will be adopted as ordered below. Should any party find that a prehearing conference is needed for any reason, one may be scheduled at a later date.

12. A remote evidentiary hearing will be scheduled on November 16, November 17, and November 20, 2023, as ordered below.

13. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by videoconference allows parties and witnesses to view exhibits on the video-conference screen while the exhibits are being offered into evidence and witnesses testify about them.

14. The evidentiary hearing will be conducted via videoconference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how

to use Zoom to participate in the remote hearing. To minimize the potential that the remote hearing may be disrupted by non-participants, the link and meeting ID, or access code, to attend the hearing will be provided to the parties by email approximately one week before the hearing, and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

15. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

16. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service Company of Colorado is assigned hearing exhibit numbers 100 to 199;
- Office of Utility Consumer Advocate is assigned hearing exhibit numbers 200 to 299;
- Staff of the Public Utilities Commission is assigned hearing exhibit numbers 300 to 399;
- QTS Aurora Infrastructure, LLC is assigned hearing exhibit numbers 400 to 499;
- Colorado Energy Consumers is assigned hearing exhibit numbers 500 to 599; and
- Climax Molybdenum Company is assigned hearing exhibit numbers 600 to 699.

17. **All parties are advised** that this proceeding is governed by the Rules of Practice and Procedure found at 4 CCR 723-1. The ALJ expects the parties to comply with these rules.

The rules are available on the Commission's website (<https://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

18. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

19. Additional procedural requirements may be addressed in future Interim Decisions.

III. DISCOVERY PROCEDURES

20. The Unopposed Motion states that the parties have agreed to discovery timelines and procedures contained within Rule 1405 with two modifications.¹ The undersigned ALJ finds these procedures are reasonable and will be adopted, as ordered below.

IV. WAIVER OF RESPONSE TIME

21. Public Service states in its Unopposed Motion that it has conferred with all other Parties and is authorized to state that no party opposes the request. Therefore, Public Service requests that response time to the Unopposed Motion be waived, pursuant to Rule 1308(c) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

22. Based upon good cause shown for the unopposed request, response time will be waived.

V. ORDER

A. It Is Ordered That:

1. Response time to the Unopposed Motion of Public Service Company of Colorado to Approve Consensus Procedural Schedule is waived, and the request is granted.

¹ Unopposed Motion at 3-4.

2. The following procedural schedule is adopted to govern this proceeding:

Event(s)	Date(s)
Answer Testimony	September 22, 2023
Rebuttal and Cross-Answer Testimony	October 20, 2023
Settlements and Stipulations	October 30, 2023
Settlement Testimony or Cross-Exam Matrix, Exhibits, Corrections to Pre-Filed Testimony and Pre-Hearing Motions	November 3, 2023
Evidentiary Hearing or Settlement Hearing	November 16, 17, and 20, 2023
Statements of Position	December 6, 2023

3. The discovery timelines and procedures contained within Rules 1405 of the Rules of Practice and Procedure, 4 CCR 723-1, will govern discovery in this Proceeding, with the following modifications:

- All discovery request and responses will be served electronically.
- All non-confidential discovery requests will be served upon each party to the proceeding, and all non-confidential responses to an individual set of discovery will be served in a single, combined document to all parties. In the event that responses to an individual set of discovery are not served simultaneously, all available responses served on a given day must be provided in a single, combined document. However, any discovery responses or requests containing confidential or highly confidential information will be served only on parties that have executed the appropriate non-disclosure agreement(s).

4. A **remote** evidentiary hearing is scheduled as follows:

DATE: November 16, 17, and 20, 2023

TIME: 9:00 a.m.

LOCATION: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado 80202

METHOD: By videoconference using Zoom at the link to be provided to counsel and the parties via email prior to the hearing.

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

6. All participants in the hearing must comply with the requirements in Attachments A and B to this Decision, which are incorporated herein.

7. **Video-Conference Participation.** Counsel for the parties, parties, and witnesses, as applicable, may attend the evidentiary hearing by videoconference using the Zoom platform.²

8. **Evidence Presentation at the Evidentiary Hearing.** Because the participation in the evidentiary hearing will be via 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.³

9. The parties shall comply with the requirements established in this Interim Decision and shall make the filings as required by the adopted procedural schedule.

² Instructions for using Zoom platform are provided in Attachment A to this Decision. Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

³ Instructions for using Box.com platform are provided in Attachment B to this Decision.

10. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director