

Decision No. R23-0578-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23A-0215E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR RECOVERY OF 2022 COAL DISPLACEMENT POWER COSTS AND OTHER 2022 ELECTRIC COMMODITY ADJUSTMENT DEFERRED COSTS PURSUANT TO DECISION NO. C22-0830-I.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
CONOR F. FARLEY  
GRANTING UNOPPOSED MOTION TO VACATE AND  
AMEND PROCEDURAL SCHEDULE AND REQUEST FOR  
WAIVER OF RESPONSE TIME**

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Mailed Date: September 8, 2023

**I. STATEMENT**

**A. Background**

1. On May 1, 2023, Public Service Company of Colorado (Public Service) filed a Verified Application (Application) seeking approval to recover its 2022 coal displacement power costs and other 2022 electric commodity adjustment deferred costs pursuant to Decision No. C22-0830-I issued on December 22, 2022, in Proceeding No. 22AL-0531E. With the Application, Public Service filed: (a) a Motion for Alternative Form of Notice; and (b) a Motion for Partial Variance from Decision No. C06-1379, which issued on December 1, 2006, in Proceeding No. 06S-234EG.

2. On May 3, 2023, the Commission issued a notice of the Application.

3. On May 4, 2023, the Commission issued Decision No. C23-0295-I that granted Public Service's Motion for Alternative Form of Notice.

4. On May 18, 2023, June 2, 2023, January 6 and 19, 2023, the Office of the Utility Consumer Advocate (UCA) and Trial Staff of the Commission (Staff) filed Notices of Intervention by Right, respectively.

5. On June 7, 2023, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ) by minute entry. The proceeding was subsequently assigned to the undersigned ALJ.

6. On July 5, 2023, the ALJ issued Decision No. R23-0441-I that scheduled a remote prehearing conference for July 19, 2023, and required the parties to confer about a procedural schedule and Public Service to file a report of the conferral by July 17, 2023.

7. On July 13, 2023, Public Service filed the Conferral Report. In it, Public Service reported that the parties had agreed to a procedural schedule.

8. On July 19, 2023, the ALJ issued Decision No. R23-0466-I that extended the statutory deadline and adopted the following procedural schedule proposed by the parties with the addition of a deadline for responses to prehearing motions:

<u>Event</u>	<u>Deadline</u>
Answer Testimony	August 25, 2023
Rebuttal/Cross-Answer Testimony	September 22, 2023
Stipulation(s) and Settlement Agreement(s) Hearing Witness Matrix Corrections to Pre-Filed Testimony and Exhibits Prehearing Motions	September 29, 2023
Responses to Prehearing Motions	October 6, 2023
Hybrid Hearing	October 12-13, 2023
Statements of Position	November 3, 2023

9. On August 23, 2023, Public Service filed a Notice of Non-Unanimous Comprehensive Settlement Agreement in Principle, Unopposed Motion to Vacate and Amend Procedural Schedule, and Request for Waiver of Response Time (Unopposed Motion).

**B. Unopposed Motion**

10. In the Unopposed Motion, Public Service states that it and Staff reached a comprehensive settlement in principle resolving all issues in this proceeding, but that UCA opposes the settlement. Public Service thus requests that the procedural schedule be amended as follows (with additions shown in red and deletions shown in strikethrough):

<u>Event</u>	<u>Deadline</u>
<del>Answer Testimony</del>	<del>August 25, 2023</del>
<del>Rebuttal/Cross Answer Testimony</del>	<del>September 22, 2023</del>
<del>Stipulation(s) and Settlement Agreement(s)</del> <del>Hearing Witness Matrix</del> <del>Corrections to Pre-Filed Testimony and Exhibits</del> <del>Prehearing Motions</del>	<del>September 29, 2023</del>
<del>Responses to Prehearing Motions</del>	<del>October 6, 2023</del>
Settlement Agreement Motion to Approve Settlement Agreement	August 30, 2023
Testimony in Support of Settlement	September 7, 2023
Testimony in Opposition to Settlement	September 18, 2023
Hybrid Hearing	October 12-13, 2023
Statements of Position	November 3, 2023

11. As support for the Unopposed Motion, Public Service asserts that “[t]he proposed modifications to the procedural schedule will promote administrative efficiency while also providing the parties sufficient time to memorialize the Settlement Agreement and to provide testimony in support of and in opposition to the Settlement Agreement prior to the hearing.” Public Service states that both Staff and UCA support the foregoing changes to the procedural schedule. For this reason, Public Services requests that response time to the Unopposed Motion be vacated.

### **C. Analysis**

12. Public Service has established good cause to grant the Unopposed Motion. Accordingly, the Unopposed Motion will be granted.

**II. ORDER**

**A. It Is Ordered That:**

1. The Unopposed Motion to Vacate and Amend Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion) filed by Public Service Company of Colorado on August 23, 2023, is granted.

2. 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 that reads "Rebecca E. White".

Rebecca E. White,  
Director