

Decision No. R23-0725-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23AL-0188E

IN THE MATTER OF ADVICE LETTER NO. 1921 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF FILING TO IMPLEMENT INTERCONNECTION TARIFFS PURSUANT TO PARAGRAPH 3853(P) OF THE COMMISSION'S INTERCONNECTION RULES AND TO IMPLEMENT RELATED PERFORMANCE INCENTIVES IN ACCORDANCE WITH DECISION NO. C23-0143, TO BECOME EFFECTIVE JULY 31, 2023.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING MOTION TO VACATE EVIDENTIARY
HEARING, VACATING PROCEDURAL SCHEDULE AND
EVIDENTIARY HEARING, ADOPTING NEW
PROCEDURAL DEADLINES, AND
SCHEDULING A SETTLEMENT CONFERENCE**

Mailed Date: October 30, 2023

I. STATEMENT

A. Procedural Background

1. On April 17, 2023, Public Service Company of Colorado (Public Service or the Company) filed with the Commission Advice Letter No. 1921 - Electric (Advice Letter) with accompanying tariff sheets (Tariff Sheet) for the interconnection of distributed energy resources (DERs) and other small generation facilities. The Advice Letter included a requested effective date of July 31, 2023.

2. By Decision No. C23-0415, issued June 22, 2023, the Commission suspended the effective date of the Tariff Sheet to November 28, 2023, referred this matter to an Administrative Law Judge (ALJ) for disposition, and set a July 21, 2023 intervention deadline.

3. On July 12, 2023, the Colorado Energy Office (CEO) filed its Notice of Intervention of Right of the Colorado Energy Office (CEO's Notice of Intervention).

4. On July 13, 2023, the Colorado Solar and Storage Association (COSSA) and the Solar Energy Industries Association (SEIA) filed their Joint Motion to Intervene and Entry of Appearance of Colorado Solar and Storage Association and the Solar Energy Industries Association (COSSA's and SEIA's Motion to Intervene).

5. On July 17, 2023, the Office of Utility Consumer Advocate (UCA) filed its Notice of Intervention as a Matter of Right, Request for Hearing, and Entry of Appearance of the Office of Utility Consumer Advocate (UCA's Notice of Intervention).

6. On July 17, 2023, the City and County of Denver, Colorado (Denver) filed its Motion to Intervene of the City and County of Denver (Denver's Motion to Intervene).

7. On July 20, 2023, Trial Staff of the Colorado Public Utilities Commission (Staff) filed its Notice of Intervention of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing (Staff's Notice of Intervention).

8. By Decision No. R23-0533-I, issued August 9, 2023, the ALJ, among other things, acknowledged or granted the interventions of Staff, CEO, UCA, Denver, COSSA, and SEIA (collectively, Intervenors); extended the statutory deadline for a Commission decision; adopted a

procedural schedule, and scheduled an evidentiary hearing in this Proceeding for October 31 – November 1, 2023.

9. On October 20, 2023, the Company and Intervenors (the parties) filed their Notice of Unanimous, Comprehensive Settlement in Principle, and Unopposed Joint Motion to Vacate and Amend Procedural Schedule (Motion to Vacate). In the Motion to Vacate, the parties state that they have reached a settlement in principle; request to vacate the procedural scheduled herein, including the evidentiary hearing scheduled for October 31 – November 1, 2023; request that the new deadlines of October 26, 2023 for the filing of a formal written Settlement Agreement and Motion to Approve Settlement Agreement, and November 7, 2023, for the filing of Testimony in Support of Settlement Agreement, be established; and request that response time to the Motion to Vacate be waived. The parties further state that if the Commission believes a settlement conference is necessary, a one-day, remote hearing in late November or early December 2023 may be held.

10. On October 26, 2023, the parties filed their Joint Motion to Approve Unanimous Comprehensive Settlement Agreement and Request for Waiver of Response Time (Motion to Approve Settlement Agreement) and attached thereto their Unanimous Comprehensive Settlement Agreement (Settlement Agreement).

B. Waiver of Response Time

11. The Motion to Vacate was jointly filed by the parties and includes a request to waive response time to the Notice of Settlement and Motion to Vacate. Therefore, response time to the Notice of Settlement and Motion to Vacate will be waived, as ordered below.

C. The Remainder of the Procedural Schedule and the Previously-Scheduled Evidentiary Hearing

12. Based on the parties' reaching a settlement in principal, the parties request that the remainder of the procedural schedule and the evidentiary hearing scheduled for October 31 – November 1, 2023 be vacated. The parties state good cause for their requested relief. Therefore, the remainder of the procedural schedule and the evidentiary hearing, scheduled for October 31 – November 1, 2023, will be vacated, as ordered below.

D. New Requested Procedural Deadlines

13. The parties request that the new deadlines of October 26, 2023, for the filing of a formal written Settlement Agreement and Motion to Approve Settlement Agreement and November 7, 2023, for the filing of Settlement Testimony, be established. The parties state good cause for their requested relief. The ALJ notes that on October 26, 2023, the parties timely filed the Motion to Approve Settlement and Settlement Agreement herein.¹ Therefore, a new deadline for the filing of Settlement Testimony will be established, as ordered below.

E. Hearing on the Parties' Settlement

14. The parties acknowledge that a hearing on the parties' settlement may not be necessary; however, they agree that a hearing on the parties' settlement could be held in late November or early December 2023. Therefore, a hearing on the parties' settlement will be scheduled, as ordered below.

¹ See Motion to Approve Settlement and Settlement Agreement, filed October 26, 2023.

F. Motion to Approve Settlement Agreement

15. The merits of the Motion to Approve Settlement will be addressed by a separate decision.

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

1. Response time to the Notice of Unanimous, Comprehensive Settlement in Principle, and Unopposed Joint Motion to Vacate and Amend Procedural Schedule (Motion to Vacate), filed on October 20, 2023 by the Public Service Company of Colorado, Trial Staff of the Colorado Public Utilities Commission, the Colorado Energy Office, Office of Utility Consumer Advocate, the City and County of Denver, the Colorado Solar and Storage Association, and the Solar Energy Industries Association (together, parties), is waived.

2. Consistent with the discussion above, the Motion to Vacate is granted.

3. The remainder of the procedural schedule established by Decision No. R23-0533-I, as modified by Decision No. R23-0537-I, is vacated.

4. The evidentiary hearing, scheduled in this proceeding for October 31-November 1, 2023, at 9:00 a.m., is vacated.

5. The deadline for the parties' filing of Settlement Testimony is November 7, 2023.

6. A hearing on the parties' settlement shall be conducted at the following dates, time, and place:

DATE: December 8, 2023

TIME: 9:00 a.m.

PLACE: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge²

7. This decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

² 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>.