

Decision No. R23-0731-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
EXTENDING STATUTORY DEADLINE FOR A
COMMISSION DECISION**

Mailed Date: October 30, 2023

I. STATEMENT

A. 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. By Decision No. C23-0472-I, issued on July 21, 2023, the Commission deemed the Application complete and referred the matter to an Administrative Law Judge (ALJ) for a Recommended Decision.

3. On July 26, 2023, by Decision No. R23-0479-I, the parties to the proceeding were established.

4. On August 1, 2023, Unopposed Motion of Public Service Company of Colorado to Approve Consensus Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion) was filed.

5. By Decision R23-0524-I, issued on August 8, 2023, the undersigned ALJ waived response time to the Unopposed Motion; approved the consensus procedure schedule; set a remote evidentiary hearing for November 16, 17 and 20, 2023; and provided instructions regarding exhibits and participating in remote hearings.

B. Extension of Deadline

6. The Commission is required by § 40-6-109.5(1), C.R.S., to issue its decision within 120 days of the Application being deemed complete by the Commission. Thus, the Commission's decision in this Proceeding must be issued by November 18, 2023. However, § 40-6-109.5(1), C.R.S., also provides that the Commission may, in its discretion and by separate decision, extend the time for a decision by an additional 130 days.

7. Here, considering the consensus procedural schedule previously approved by the undersigned ALJ, the time available, the time necessary to address other pending matters, and the need for the Commission to have adequate time to deliberate on the issues presented in this matter, it is not feasible for a final Commission decision to issue by November 18, 2023. Accordingly, pursuant to § 40-6-109.5(1), C.R.S., it is necessary to extend the deadline for an additional 130 days to March 27, 2024.

8. By Decision C23-0472-I, the Commission declined to adopt Public Service's requests for expedited procedures, but trusted the ALJ to "...act with all due haste in addressing interventions and in adopting an appropriate procedural schedule and conduct the hearing and issue a Recommended Decision within a reasonable time frame."¹ While the applicable statutory period

¹ Decision C23-0472-I at 7.

is being extended, the undersigned remains mindful of the Commission's expectation and will proceed with all due haste.

II. ORDER

A. It is Ordered That:

1. For the reasons stated above, the deadline for a Commission decision on the Application filed in this Proceeding is extended an additional 130 days to March 27, 2024.
2. This Order 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

Rebecca E. White,
Director