

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE INVESTIGATION AND)	
SUSPENSION OF TARIFF SHEETS)	
FILED BY PUBLIC SERVICE COMPANY)	DOCKET NO. 93S-001EG
OF COLORADO, ADVICE LETTER)	
NO. 1192 - ELECTRIC, ADVICE)	PROCEDURAL ORDER
LETTER NO. 477 - GAS, AND ADVICE)	
LETTER NO. 53 - STEAM.)	

- - - - -
Mailed Date: March 26, 1993
Adopted Date: March 24, 1993
- - - - -

STATEMENT

BY THE COMMISSION:

In Decision No. C93-144, we suspended the tariffs proposed by Public Service Company of Colorado ("PSCo" or "Company") in Advice Letter Nos. 1192-Electric, 477-Gas, and 53-Steam, and scheduled a prehearing conference for March 8, 1993. At the scheduled time, the parties appeared and discussed those matters specified in Decision No. C93-144. In accordance with the discussions at the prehearing conference, we now enter this procedural order.

As we ruled at the prehearing conference, all issues relating to incentive regulation and "decoupling" (those issues specified in Decision No. C93-38) are hereby severed from the present docket. By separate order, we are establishing a new docket to investigate issues relating to incentive regulation and "decoupling."

Hearings in the present matter shall begin at 9:00 a.m. on July 6, 1993, and continue, as necessary, on July 7 through 9, 12 through 15, and 19 through 23, 1993. In order to facilitate the conduct of the hearing, the parties shall appear at a prehearing conference at 9:00 a.m., July 2, 1993, to discuss any relevant matter (e.g., a schedule for witnesses, any outstanding motions, whether any party proposes to use confidential information at hearing, and, if so, how the hearing will be conducted to preserve confidentiality as well as the public nature of the hearings, etc.). All hearings shall be conducted in Commission Hearing Room A, Office Level 2 (OL2), Logan Tower, 1580 Logan Street, Denver, Colorado.

The Company has now filed its direct testimony and exhibits. Intervenors, including Commission Staff, shall file their direct testimony and exhibits by May 14, 1993. Rebuttal and cross-rebuttal shall be filed by June 18, 1993. The party with the ultimate burden of proof on any issue--in the absence of further order by the Commission, the Company shall have the burden of proof--may file surrebuttal by June 28, 1993. At the time of filing of any testimony or exhibits, each party shall serve a copy of all workpapers supporting such testimony or exhibits upon all other parties.

Within ten days following the effective date of this order, each party shall file and serve upon all other parties a notification as to whether that party desires service by hand-delivery or overnight mail (as opposed to service by regular mail). If requested in the notification, service of all pleadings, testimony, exhibits, etc., on requesting parties shall be accomplished by hand-delivery or overnight mail. Attached to this order (Appendix A) is a list of all persons or entities who have become parties in this matter at the present time.

The parties shall file a trial data certificate on June 30, 1993, setting forth the information referenced on page 3 of Decision No. C93-144. Additionally, if a party intends to challenge the admissibility of any prefiled testimony or exhibit (e.g. a challenge to the qualifications of a witness to give opinion testimony), notice of this intent shall be given in the trial data certificate. The trial data certificate shall also set forth the party's estimate of cross-examination time for each witness the party intends to question at hearing. Given the nature of this proceeding, the trial data certificate need not list noncontested facts or matters.

Discovery requirements shall be as follows: Consistent with the mandates of Decision No. C93-144, response time to written discovery relating to the Company's direct testimony and exhibits shall continue to be 21 days from the date of service, providing the discovering party submits to the Company, with its requests, a diskette setting forth its discovery requests in WordPerfect. If no diskette is submitted to the Company, response time shall be 23 days from the date of service. In the absence of further order of the Commission, for good cause shown, no written discovery shall be served relating to the Company's direct testimony and exhibits after May 17, 1993.

Response time to written discovery requests directed to the May 14, 1993, filings and related matters shall be ten days from the date of service on the answering party, if the discovering party submits a diskette containing the requests in WordPerfect. Otherwise, response time shall be 13 days. Response time to written discovery relating to the June 18, 1993, filings and related matters shall be five days with a diskette in WordPerfect, and

seven days without a diskette. The parties are directed to file all discovery requests with the Commission. Such requests shall be submitted in accordance with the filing requirements applicable to other submissions to the Commission, as set forth in the Rules of Practice and Procedure.

To the extent Commission Staff conducts discovery, it shall comply with the discovery rules and requirements applicable to other parties. However, audit requests from Staff, pursuant to §§ 40-3-110 and 40-6-106, C.R.S., directed to the Company shall be answered by PSCo within seven days of service. If an audit request requires the Company to prepare a document, response shall be made within ten days.¹

Public witness hearings are hereby set at the following times and places:

Thursday, April 8, 1993
4 to 7 p.m.
Alamosa County Conference Center
702 4th St. in Alamosa

Thursday, April 15, 1993
4 to 7 p.m.
Third Floor of the Boulder County Courthouse
1325 Pearl St. in Boulder

Thursday, April 22, 1993
4 to 7 p.m.
Belmer Room of the Lakewood Municipal Center
445 S. Allison Parkway in Lakewood

Monday, April 26, 1993
4 to 7 p.m.
Hearing Room A of the PUC
1580 Logan, OL2 in Denver

Thursday, April 29, 1993
4 to 7 p.m.
Logan County Courthouse Annex
4th and Main in Sterling

Thursday, May 6, 1993
4 to 7 p.m.
Lunchroom of the Windsor High School
1100 W. Main in Windsor

¹ Our directive that parties file copies of discovery requests with the Commission does not apply to Staff's audit questions.

Thursday, May 13, 1993
4 to 7 p.m.
Central High School Auditorium
3130 E. 1/2 Road in Grand Junction

Thursday, May 20, 1993
4 to 7 p.m.
Littleton Community Center
1950 W. Littleton Blvd.

The following parties have filed motions or petitions for intervention:

- The Colorado Office of Energy Conservation
- Greeley Gas Company
- Climax Molybdenum Company
- Colorado Interstate Gas Company
- Land and Water Fund of the Rockies
- Multiple Intervenors
- United States Department of Energy on behalf of the United States Executive Agencies
- Colorado Oil and Gas Association and Independent Petroleum Association, Mountain States
- CF&I Steel Corporation
- Coors Brewing Company
- Conoco
- Lloyd R. Buzbee
- WestPlains Energy
- Colorado Business Alliance Against Unfair Business Practices
- Citizens Utilities Company
- Cherry Creek School District No. 5
- Western Natural Gas & Transmission Corp.
- the Cities of Denver, Brighton, Commerce City, Littleton, Longmont, Sterling, and Westminster
- Vesgas Company
- Independent Petroleum Association of the Mountain States
- K N Energy, Inc.
- the Cities of Boulder, Lakewood, and Thornton
- City Lights, Ltd.

All requests for intervention are granted. Motions for admission pro hac vice are granted. However, out-of-state counsel are advised that they must comply with Rule 21(a), Commission Rules of Practice and Procedure, and Rule 22.1, C.R.C.P. (out-of-state counsel may participate in a particular cause, provided a member in good standing of the Bar in Colorado is associated in such cause at all stages thereof which requires association with counsel admitted to practice in the State of Colorado).

In Decision No. C93-144, we adopted the protective provisions contained in Exhibit 1 to the order. At the prehearing conference,

certain parties requested that we modify the provisions of paragraph 6 relating to ten days' notice prior to use of confidential information as evidence at hearing. The parties suggest that the manner in which confidential information may be used at hearing be addressed at the prehearing conference on July 2, 1993. As noted above, we have accepted this suggestion. Therefore, the provision of paragraph 6 of the protective order shall be modified:

6. Receipt into Evidence. Provision is made here for receipt of evidence in this proceeding under seal. If used in prefiled testimony or in a prefiled exhibit, that portion of the prefiled material which is confidential shall be filed under seal. Six copies of the document shall be filed under seal with the Commission. In the event any person reviews a copy of a document filed under seal, that person (including Counsel and Staff advisors to the Commission), shall first have signed a nondisclosure agreement. The six copies filed under seal shall be numbered serially. Otherwise, parties shall make only general references to confidential information in these proceedings.

(The remaining portions of paragraph 6 of Exhibit 1 relating to the marking of filed confidential documents under seal, the manner in which confidential material will be forwarded to the court on appeal, etc. remain unchanged.)

THEREFORE THE COMMISSION ORDERS THAT:

1. Hearing shall be held in this matter beginning at 9:00 a.m. on July 6, 1993, and continuing as necessary on July 7 through 9, 12 through 15, and 19 through 23, 1993. All hearings will be held in Commission Hearing Room A, Office Level 2 (OL2), Logan Tower, 1580 Logan Street, Denver, Colorado.

2. A prehearing conference will be held at 9:00 a.m. on July 2, 1993, in Hearing Room A, consistent with the above discussion.

3. Intervenors, including Commission Staff, shall file their direct testimony consistent with the above discussion by May 14, 1993. Rebuttal and cross-rebuttal shall be filed on June 18, 1993. Surrebuttal shall be filed on June 28, 1993.

4. The parties shall file trial data certificates consistent with the above discussion on June 30, 1993.

5. Discovery by the parties and audit of the Company by Commission Staff shall be conducted in accordance with above-stated requirements.

6. Public witness hearings shall be conducted by the Commission at the above-stated times and places.

7. The above-referenced requests for interventions and motions for admission pro hac vice are granted.

8. Paragraph 6 of the protective provisions adopted in Decision No. C93-144 is modified consistent with the above discussion.

9. All issues relating to "Decoupling" or incentive regulation are hereby severed from the present docket. These issues will be examined by the Commission in a separate proceeding to be established by separate order.

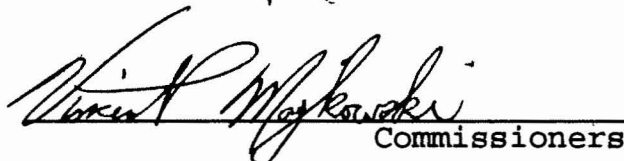
10. The parties shall comply with all procedural directives discussed above, and, to the extent not modified in the present decision, in Decision No. C93-144.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING March 24, 1993.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




_____ Commissioners

COMMISSIONER CHRISTINE E. M. ALVAREZ
ABSENT.

TM:srs