

Decision No. C08-1159-I

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

DOCKET NO. 08R-424E

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IN THE MATTER OF PROPOSED AMENDMENTS TO THE RULES OF THE COLORADO  
PUBLIC UTILITIES COMMISSION RELATING TO THE RENEWABLE ENERGY  
STANDARD.

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**INTERIM ORDER ESTABLISHING ADDITIONAL  
COMMENT DATES AND SETTING ADDITIONAL  
HEARING DATES**

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Mailed Date: November 10, 2008  
Adopted Date: November 5, 2008

**I. BY THE COMMISSION**

**A. Statement, Findings and Conclusions**

1. This matter comes before the Commission following its consideration of Decision Nos. C08-1001 (Notice of Proposed Rulemaking), R08-1124-I (Interim Order Extending Comment Dates), and R08-1148-I (Interim Order Providing Draft Rules).

2. Decision No. C08-1001, which decision opened this docket, did not contain the draft of the proposed revisions to the Renewable Energy Standard (RES) portion of the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 (specifically, 4 CCR 723-3-3650 through 4 CCR 723-3-3665). However, Decision No. C08-1001 did establish comment dates and set a hearing.

3. Upon review of the specific revisions proposed by Staff's draft rules, as made available on October 31, 2008 by Decision No. R08-1148-I, the Commission finds that the procedural schedule set forth in Decision No. C08-1001, as modified by Decision No. R08-1124-I, is too aggressive.

4. The Commission recognizes that it cannot now vacate the hearing schedule set forth in Decision No. C08-1001 without contravening the statutory procedures applicable to agency rulemakings. Therefore, by this interim order, the Commission is setting additional initial and reply comment dates and additional hearing dates. The Commission's hope is that by providing additional time to interested persons to prepare and file comments and to prepare oral presentations (which presentations will not be permitted if they are deemed unnecessary), the comments and/or oral presentations will be more thorough and comprehensive than if the Commission adhered to the previously established procedural schedule. The Commission encourages interested persons take advantage of this opportunity to develop their comments over the lengthier comment period set forth below.

5. This matter will continue to be handled by Administrative Law Judge (ALJ) Ken F. Kirkpatrick. Additional hearings shall be conducted on the proposed rules and related issues at the below-stated time and place. Interested persons may submit written comments on the rules, including data, views or arguments, and present these orally at the additional hearing unless the ALJ deems oral presentation unnecessary. The Commission encourages interested persons to submit written initial comments on the current RES Rules or Staff's draft proposed rule revisions before the additional hearing dates set forth below. In the event interested persons wish to file initial comments before the additional hearing dates set forth below, the Commission requests that such comments be submitted no later than December 22, 2008. Reply comments should be submitted by January 20, 2009.

6. As stated in Decision No. C08-1001, the Commission prefers that interested persons submitting comments do so both in paper and, when possible, electronic format. The Commission may post electronically submitted comments to its web site.

7. The Commission will consider all comments and replies, whether submitted and presented in conjunction with the December 8 and 9, 2008 hearing dates or whether submitted and presented in conjunction with the January 29 and 30, 2009 additional hearing dates set by this interim order. No person will be prejudiced by the selection of the latter set of comment and hearing dates announced by this interim order over the selection of the procedural dates established by Decision No. C08-1001.

**II. ORDER**

**A. The Commission Orders That:**

1. An additional hearing on the proposed rules and related matters shall be held before Administrative Law Judge Ken F. Kirkpatrick as follows:

DATE: January 29 and 30, 2009  
TIME: 9:00 am  
PLACE: Commission Hearing Room  
Suite 250  
1560 Broadway  
Denver, Colorado

2. The ALJ may set additional hearings, if necessary.

3. At the time set for the additional hearing in this matter, interested persons may submit written comments and may present these orally unless the ALJ deems oral comments unnecessary. Interested persons may submit written initial and reply comments in this matter before the additional hearing dates set above. The Commission prefers that such pre-filed initial comments be submitted in both paper and, when possible, electronic format no later than December 22, 2008. Reply comments should be submitted by January 20, 2009.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 5, 2008.**

(SEAL)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RONALD J. BINZ

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MATT BAKER

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Commissioners

COMMISSIONER JAMES K. TARPEY  
ABSENT.