

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0268E

IN THE MATTER OF ADVICE NO. 1797 - ELECTRIC OF PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 - ELECTRIC TARIFF TO IMPLEMENT RATE CHANGES EFFECTIVE ON THIRTY-DAYS' NOTICE.

**INTERIM DECISION DENYING
MOTION TO STRIKE AND MOTION TO SEVER**

Mailed Date: July 23, 2019

Adopted Date: July 17, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On June 26, 2019, the Colorado Energy Office (CEO) filed a Motion to Strike as well as a Motion to Sever. We deny both motions for the reasons set forth below.

2. The Motion to Strike asks the Commission to strike parts of Ms. Brooke A. Trammell's direct testimony, filed on May 20, 2019, that relate to the revenue decoupling adjustment mechanism. CEO argues that Public Service Company of Colorado (Public Service) is not asking for Commission action on anything decoupling-related in this proceeding. CEO also points out that the Commission split-off a previous decoupling request from one of Public Service's prior Phase I cases, and argues that if decoupling needs to be addressed, stakeholders should address it in a separate proceeding.

3. Six parties responded to CEO's Motion to Strike: Southwest Energy Efficiency Project and Vote Solar filed a joint response on July 1, 2019; Western Resource Advocates (WRA) filed its response on July 2, 2019; Commission Staff filed its response on July 8, 2019; and on July 9, 2019 both AARP and Public Service filed responses.

4. The Motion to Sever asks the Commission to consider Public Service's certified renewable percentage (CRP) proposal in a separate proceeding or in Public Service's renewable energy standard plan proceeding, but in either case to avoid addressing the proposal in this proceeding. CEO contends that the proposal is not relevant to the Commission's decision to approve new rates because Public Service is not asking for any related cost recovery.

5. Three parties responded to CEO's Motion to Sever. Staff responded to the Motion to Sever by filing, on June 27, 2019, a Request to Reserve Time at the July 10, 2019 Pre-hearing Conference to Discuss the CEO's Motion to Sever the Certified Renewable Percentage Proposal and Scheduling a Five (5) Day Hearing. On July 1, 2019, WRA filed its response. Public Service's July 9 response, mentioned above, also responded to the Motion to Sever.

6. We are unconvinced that granting the relief requested is appropriate at this time. The parties have yet to complete discovery and the issues and record in this proceeding are still being shaped. In our view, it is too early in this proceeding to determine whether striking the challenged testimony or severing discussion of Public Service's CRP proposal will result in greater overall administrative efficiency. Accordingly, we deny both motions.

7. We note that this Decision does not preclude CEO, or any party, from moving for this or similar relief at a later point in this proceeding.

II. ORDER

A. It Is Ordered That:

1. The Motion to Strike filed by the Colorado Energy Office on June 26, 2019 is denied.

2. The Motion to Sever filed by the Colorado Energy Office on June 26, 2019 is denied.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 17, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners