

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0409E

IN THE MATTER OF APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE ACQUISITION OF, AND APPROVAL OF COST RECOVERY FOR, THE MANCHIEF GENERATION FACILITY AND VALMONT 7 & 8.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
GRANTING UNOPPOSED MOTION,
WAIVING RESPONSE TIME,
AND EXTENDING DEADLINE FOR
FILING SETTLEMENT TESTIMONY**

Mailed Date: January 2, 2020

I. BY THE COMMISSION

1. This Interim Decision grants the Unopposed Motion to Modify Procedural Schedule (Unopposed Motion) filed by Public Service Company of Colorado (Public Service) on January 2, 2020, waives response time, and extends the date for the Parties to file Testimony and Attachments in support of the written Stipulation and Settlement Agreement (Settlement Agreement) to January 16, 2020.

B. Procedural History.

2. On July 23, 2019, Public Service filed with the Colorado Public Utilities Commission (Commission) a Verified Application (Application) for Certificates of Public Convenience and Necessity for the acquisition of: (1) the 301 MW Manchief generation facility; and (2) the 82 MW Valmont generation facility. Public Service also seeks approval of its cost recovery proposal relating to these two facilities. Along with the Application, Public

Service filed the supporting testimony and attachments of three witnesses. This filing commenced the above-styled proceeding.

3. During the Commission's weekly meeting on September 4, 2019, the Application was deemed complete for purposes of § 40-6-109.5, C.R.S., and was referred to an Administrative Law Judge (ALJ) for disposition. The undersigned ALJ subsequently was assigned to preside over this Proceeding.

4. The Intervenors in this Proceeding are the Colorado Office of Consumer Counsel (OCC); Trial Staff of the Colorado Public Utilities Commission (Staff); Southwest Generation Operating Company, LLC (SW Generation); and Western Resource Advocates (WRA).¹ The Parties to this Proceeding are Public Service, Staff, OCC, SW Generation, and WRA.

5. The procedural history of this Proceeding is set forth in detail in Decisions previously issued herein and is repeated here as necessary to put this Decision into context.

6. Decision No. R19-0827-I (mailed on October 8, 2019) adopted a negotiated procedural schedule *inter alia* for the filing of answer and rebuttal testimony and set hearing dates for January 22, and 23, 2020.

7. On November 25, 2019, Public Service filed a Motion to Suspend Procedural Schedule and Request for Waiver of Response Time, which requested suspension of the adopted procedural schedule and modification of the date for filing the written Settlement Agreement.

8. Decision No. R19-1004-I (mailed on December 16, 2019) suspended most of the remaining deadlines in the procedural schedule; ordered that the signed Settlement Agreement be filed no later than January 8, 2020; ordered that testimony in support of approval of the

¹ See Decision No. R19-0801-I (mailed on September 27, 2019), which acknowledged interventions by right of OCC and Staff and granted motions for permissive intervention of SW Generation and WRA.

Settlement Agreement be filed no later than January 8, 2020; vacated the evidentiary hearing set for January 22, 2020; and set the hearing on the Settlement Agreement for 9:30 a.m. on January 23, 2020.²

9. Public Service reports that, after conferral, no Parties to this Proceeding oppose the Unopposed Motion.

10. In the Unopposed Motion, Public Service requests that the date for filing testimony in support of approval of the Settlement Agreement be extended to January 16, 2020. Public Service requests no other changes to procedural dates. Public Service also requests that response time to the Unopposed Motion be waived.

II. **ORDER**

A. **It Is Ordered That:**

1. The Unopposed Motion to Modify Procedural Schedule (Unopposed Motion) filed by Public Service Company of Colorado on January 2, 2020, is granted, consistent with the discussion and findings in this Interim Decision.

2. Response time to the Unopposed Motion is waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

3. The date for the Parties to file Testimony and Attachments in support of approval of the written Stipulation and Settlement Agreement shall be extended to 5:00 p.m. on January 16, 2020.

² Decision No. R19-1004-I, at page 5, did not suspend the date for filing final electronic versions of all Hearing Exhibits, but extended that deadline until January 16, 2020.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director