

Decision No. R20-0052-I

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

PROCEEDING NO. 19M-0661EG

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IN THE MATTER OF THE IMPLEMENTATION OF § 40-3-117, C.R.S. REGARDING AN INVESTIGATION INTO PERFORMANCE-BASED RATEMAKING

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**INTERIM DECISION OF  
HEARING COMMISSIONER  
JOHN GAVAN  
RE-SCHEDULING WORKSHOP AND  
DENYING OCC MOTION FOR EXTENSION AS MOOT**

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Mailed Date: January 23, 2020

**I. BY THE COMMISSION**

1. On December 5, 2019, the Commission issued Decision No. C19-0969 opening this Proceeding, exploring performance-based regulation (PBR) and performance-based incentive mechanisms (PIMs) in regulation of Colorado's investor-owned electric and gas utilities. In Decision No. C19-0969, the Commission stated that this Proceeding is intended to address the requirements of § 40-3-117, C.R.S., and stated that this Proceeding will serve as a repository for the filing of comments, studies, and analyses, and will serve as a platform from which to conduct workshops and Commissioner Informational Meetings, pose questions, discuss processes, and issue orders.

2. Decision No. R19-1002-I, mailed on December 16, 2019 set out a schedule for a first round of comments and a workshop addressing how the Commission currently does, or could in the future, utilize PBR and PIMs to improve electric and gas utility performance on the topics of safety, reliability, and customer service. Pursuant to that decision, comments were due

on January 10, 2020, reply comments are due on January 31, 2020, and a workshop is scheduled for February 12, 2020.

3. Hearing Commissioner scheduling conflicts require that the workshop set for February 12, 2020 be re-scheduled for February 21, 2020. The filing date for reply comments remains January 31, 2020.

4. Additionally, on January 10, 2020, the Office of Consumer Counsel (OCC) filed a Motion for Extension of Time to File Initial Comments (Motion for Extension). The OCC states that it has been preparing comments responsive to questions posed in Decision No. R19-1002-I but has not been able to respond to certain of those questions. The OCC requests a one business day extension to file comments, to January 13, 2020. The OCC states that it wishes to file a single responsive document, but that its involvement in settlement conferences and filings preclude such a filing in a timely manner. The OCC states that it requests that the extension apply to all parties in the proceeding and that allowing a one business day extension should not cause substantial delay or otherwise prejudice any party.

5. On January 13, 2020, the OCC filed comments in this proceeding.

6. Because the OCC filed comments before an order addressing the Motion for Extension could be issued, OCC's Motion for Extension is denied as moot.

7. The undersigned hearing officer also notes that because this proceeding is administrative, parties do not need to file a motion for extension if they are unable to supply comments or reply comments according to the established schedule. If a party is unable to satisfy the filing date, providing an explanatory note within the filing when it is made is sufficient.

**II. ORDER**

**A. It Is Ordered That:**

1. A workshop on performance-based regulation as it pertains to safety, reliability and customer service is scheduled as follows:

DATE: Friday, February 21, 2020  
TIME: 1:00 p.m. to 5:00 p.m.  
PLACE: Building Conference Room 110-D  
(1st floor, adjacent to the main lobby)  
1560 Broadway  
Denver, Colorado

2. The workshop in this Proceeding scheduled for Wednesday, February 12, 2020 is vacated.

3. Reply Comments on performance based regulation as it related to the topics of safety, reliability, and customer service for Colorado investor-owned utilities are due by 5:00 p.m. on Friday, January 31, 2020.

4. The Motion for Extension of Time to File Initial Comments filed by the Office of Consumer Counsel on January 10, 2020 is denied as moot.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JOHN GAVAN

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Hearing Commissioner

ATTEST: A TRUE COPY

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

Doug Dean,  
Director