

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0375E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF THE PPA TERMINATION AGREEMENT WITH KEPCO SOLAR OF ALAMOSA, LLC AND AUTHORITY TO ESTABLISH A REGULATORY ASSET AND RECOVER COSTS ASSOCIATED WITH THE PPA TERMINATION AGREEMENT THROUGH THE ELECTRIC COMMODITY ADJUSTMENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
ADOPTING PROCEDURAL SCHEDULE**

Mailed Date: December 1, 2020

I. STATEMENT

1. On September 8, 2020, Public Service filed its verified application seeking Commission approval to terminate the Solar Energy Purchase Agreement with KEPCO Solar of Alamosa, LLC and to recover the costs that are necessary to execute the transaction.

2. On September 18, 2020, the Colorado Office of Consumer Counsel (OCC) filed its Unopposed Motion for Late-filed Intervention, its Intervention and Entry of Appearance and Request for Waive of Response Time. The OCC listed a series of issues they wish to investigate.

3. October 1, 2020 the Colorado Public Utilities Commission Trial Staff filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a), and Request for Hearing.

4. On October 28, 2020, by Minute Order, Proceeding No. 20A-0375E was referred to an Administrative Law Judge (ALJ).

5. On November 11, 2020 by Decision No. R20-0797-I, a prehearing conference was scheduled for November 30, 2020.

6. On November 25, 2020 Public Service filed its Notice of Consensus Procedural Schedule (Notice).

II. PROPOSED PROCEDURAL SCHEDULE

7. In the Notice, Public Service states the parties have agreed to the following procedural schedule:

Answer Testimony & Exhibits	February 5, 2021
Rebuttal/Cross Answer Testimony & Exhibits	March 9, 2021
Pre-hearing Motions	March 17, 2021
Stipulations & Settlement Agreements	March 26, 2021
Deadline for Corrected Testimony	April 6, 2021
Witness Order & Estimated Cross Time	April 9, 2021
Evidentiary Hearing	April 13-14, 2021
Statements of Position	April 23, 2021

8. The parties agree that Commission Rules 1405(b) and 1405(d) shall control discovery in this proceeding.

9. The proposed procedural schedule is acceptable, and it shall be adopted.

10. The prehearing conference scheduled for November 30, 2020 is vacated.

III. REMOTE HEARING

11. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over the novel coronavirus pandemic (COVID-19). Since then, Colorado State government and the Commission have been working diligently to address how to safely and effectively manage the challenges presented by COVID-19. These efforts have focused on limiting the disruption to the services delivered by the Commission (and other State agencies), while attempting to

mitigate the risks to State employees and the public. For example, the Commission has been conducting its Weekly Meetings remotely, and the Commission has asked members of the public not to attend meetings in person, but to view them by webcast. Finally, public access to the building containing the Commission's offices and hearing rooms has been restricted and it is unclear when the restriction will be lifted.

12. Under these circumstances, the hearing will be scheduled as a remote hearing in which the participants will appear from remote locations, as provided below. The ALJ finds that holding a remote hearing is consistent with current public health advisories to prevent the spread of COVID-19. The ALJ concludes that it is in the parties' and the public interest to hold the hearing in this proceeding as a remote hearing.¹

Instructions for Participating in Remote Hearing

13. Attachment A to this Decision provides the requirements and information addressing how to use the GoToMeeting platform for participating in the hearing.

14. Parties must follow the procedures for exhibits contained in Attachment B to this Decision.

IV. ORDER

A. It is Ordered That:

1. The Procedural schedule as stated above in paragraph 7, is adopted.
2. The prehearing conference scheduled for November 30, 2020 is vacated.

¹ If conditions change and the restrictions are lifted, the hearing may revert back to an in person hearing.

3. An evidentiary hearing is scheduled in this matter as follows:

DATE: April 13 & 14, 2021

TIME: 9:00 a.m.

METHOD: By video conference using GoToMeetings at link provided to parties by email

4. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

5. The prehearing conference scheduled for November 30, 2020 is vacated.

6. Attachment A is incorporated into this Decision.

7. This Order is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director