

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0287EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS ELECTRIC AND NATURAL GAS DEMAND-SIDE MANAGEMENT (DSM) PLAN FOR CALENDAR YEARS 2021 AND 2022.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING UNOPPOSED MOTION TO VACATE AND
AMEND PROCEDURAL SCHEDULE AND REQUEST FOR
WAIVER OF RESPONSE TIME AND SCHEDULING
REMOTE HEARING ON THE SETTLEMENT
AGREEMENT**

Mailed Date: December 7, 2020

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I. BY THE COMMISSION

A. Background

1. A comprehensive summary of the procedural history of this proceeding is included in Decision No. R20-0672-I that issued in this proceeding on September 18, 2020. The background relevant to this proceeding is summarized below.

2. On July 1, 2020, Public Service Company of Colorado (PSCo) filed a Verified Application for Approval of its Electric and Natural Gas Demand Side Management Plan (DSM Plan) for Calendar Years 2021 and 2022.

3. On September 18, 2020, the Administrative Law Judge issued Decision No. R20-0672-I that, among other things, established a procedural schedule.

4. On October 26, 2020, the ALJ issued Decision No. R20-0751-I that granted the Unopposed Motion to Amend Testimony Deadlines and Request for Waiver of Response Time (Unopposed Motion) filed by PSCo. The basis for the request in the Unopposed Motion to extend the deadlines for answer and rebuttal testimony by one week was that the parties were engaged in settlement discussions and the extensions “would be beneficial to these discussions.”¹

5. On November 25, 2020, PSCo filed an Unopposed and Unanimous Notice of Settlement in Principle, Motion to Vacate and Amend Procedural Schedule, and Request for Waiver of Response Time (Second Unopposed Motion). In the Second Unopposed Motion, PSCo requests that: (a) the current procedural schedule be vacated; (b) the deadline for filing testimony in support of the settlement agreement be December 14, 2020; and (c) that a remote hearing on the settlement agreement be held on December 21, 2020 or after the holidays.

6. On December 3, 2020, PSCo filed the Settlement Agreement and a Joint Motion to Approve Unopposed Comprehensive Settlement Agreement and Unopposed Motion for Variance.

¹ Unopposed Motion at 3 (¶ 7).

B. Analysis

7. PSCo has stated good cause to grant the Second Unopposed Motion. Accordingly, the Second Unopposed Motion shall be granted, the prehearing schedule shall be vacated, and the deadline to file testimony in support of the Settlement Agreement shall be December 14, 2020.

8. In addition, the hearing on the Settlement Agreement shall be held, as necessary, on January 21, 2021 at 9:00 a.m. However, the hearing shall be held remotely, meaning that the participants will appear from remote locations, as provided below. Since early March 2020, the Colorado State government and the Commission have been working diligently to safely and effectively manage the challenges presented by the novel coronavirus pandemic (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. Under these circumstances, 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 on the Settlement Agreement as a remote hearing.

II. ORDER**A. It Is Ordered That:**

1. For the reasons stated above, Unopposed and Unanimous Notice of Settlement in Principle, Motion to Vacate and Amend Procedural Schedule, and Request for Waiver of Response Time (Second Unopposed Motion) is granted.

2. Response time to the Second Unopposed Motion is waived.

3. The deadline to file testimony in support of the Unopposed Comprehensive Settlement Agreement (Settlement Agreement) filed with the Joint Motion to Approve Unopposed Comprehensive Settlement Agreement is December 14, 2020.

4. The remote hearing currently scheduled for December 17, 18, and 21, 2020 is vacated.

5. A remote hearing on the Settlement Agreement in this proceeding is scheduled as follows:

DATES: January 21, 2021
TIME: 9:00 a.m. to 4:30 p.m.
FOR WEBCASTS: Hearing Room B
METHOD: Join by video conference at the link to be provided by an email from the Administrative Law Judge

6. Nobody should attend the remote hearing on the Settlement Agreement in-person.

7. The parties should follow the instructions for participating in, and observing, the remote hearing, and for presenting exhibits electronically at the remote hearing, contained in Attachments A and B to Decision No. R20-0672-I.

8. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director