

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0544EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER GRANTING TO IT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE CITY OF BOULDER.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
EXTENDING STATUTORY DEADLINE, ADOPTING
PROCEDURAL SCHEDULE, VACATING REMOTE
PREHEARING CONFERENCE, SCHEDULING REMOTE
EVIDENTIARY HEARING, AND PROVIDING
INSTRUCTIONS CONCERNING EXHIBITS AND FOR
PARTICIPATING IN REMOTE HEARING**

Mailed Date: March 16, 2021

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I. STATEMENT

A. Background

1. A more comprehensive recitation of the background of this proceeding is included in Decision No. R21-0106-I that issued on March 10, 2021. The facts relevant to this decision are stated below.

2. On December 21, 2020, Public Service Company of Colorado (Public Service) filed a Verified Application for a Certificate of Public Convenience and Necessity to Exercise Franchise Rights in the City of Boulder, Colorado (Application). Public Service filed the direct testimony of Hollie Velasquez Horvath in support of the Application.

3. On February 3, 2021, the Commission issued a minute order deeming the Application complete and referring this proceeding to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

4. On March 10, 2021, the ALJ issued Decision No. R21-0106-I that, among other things, scheduled a remote prehearing conference for March 17, 2021, and ordered the parties to confer regarding a procedural schedule and Public Service to file a report of the parties' conferral by March 12, 2021.

5. On March 10, 2021, Public Service filed the report of the conferral by the parties, which resulted in a proposed schedule agreed to by the parties (Consensus Schedule).

B. Extension of Deadline

6. As stated in the Notice, because Public Service filed testimony with the Application, the Commission is required by § 40-6-109.5(1), C.R.S., to issue its decision within 120 days of the Application being deemed complete by the Commission. Thus, the Commission's decision in this proceeding must issue by June 3, 2021.

However, § 40-6-109.5(1), C.R.S., also provides that the Commission may, in its discretion and by a separate decision, extend the time for a decision by an additional 130 days.

7. Here, considering the time available, the time necessary to address other pending matters, and the need for the Commission to have adequate time to deliberate the issues presented in this matter, it is not feasible for a final Commission decision to issue by June 3, 2021. Accordingly, pursuant to § 40-6-109.5(1), C.R.S., it is necessary to extend the deadline for an additional 130 days to October 11, 2021.

C. Pre- and Post-Hearing Schedule

8. The Consensus Schedule of the parties is acceptable with the addition of a deadline for responses to prehearing motions. The modified Consensus Schedule is as follows:

<u>Event:</u>	<u>Date/Deadline:</u>
Answer Testimony	April 27, 2021
Rebuttal/Cross-Answer Testimony	May 20, 2021
Prehearing Motions Stipulations Settlement Agreements	May 28, 2021
Corrections to Testimony and Exhibits Responses to Prehearing Motions	June 7, 2021
Witness Cross-Examination Matrix	June 10, 2021
Evidentiary Hearing	June 14-15, 2021
Statements of Position	July 1, 2021

9. The schedule proposed by the parties, with the addition noted above, shall be adopted. In addition, the modifications to Rule 1405, 4 *Code of Colorado Regulations* (CCR) 723-1, proposed by the parties for the purpose of this proceeding are adopted.

D. Remote Hearing

10. As agreed to by the parties, the evidentiary hearing shall be scheduled for June 14 and 15, 2021. The hearing shall be held remotely, meaning that the participants will appear from remote locations, as provided below. Since early March 2020, Colorado State government and the Commission have been working diligently to address how 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. 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 in this proceeding as a remote hearing.

E. Remote Prehearing Conference

11. The prehearing conference scheduled for March 17, 2021, will be vacated in light of the adoption of the Consensus Schedule.

F. Instructions for Participating in the Remote Hearing

12. Attachment A to this Decision provides the information addressing how to use the Zoom platform for participating in the remote hearing.

G. Instructions for Presenting Exhibits Electronically at the Remote Hearing

13. Attachment B to this Decision provides instructions for the presentation of exhibits electronically during the evidentiary hearing.

II. ORDER

A. It Is Ordered That:

1. For the reasons stated above, the deadline for a Commission decision on the Application filed in this proceeding is extended to October 21, 2021.

2. The pre-hearing and post-hearing schedule stated in paragraph 8 above is adopted.

3. The remote prehearing conference scheduled for March 17, 2021, is vacated.

4. A remote evidentiary hearing in this proceeding is scheduled as follows:

DATES: June 14 and 15, 2021

TIME: 9:00 a.m. to 4:30 p.m.

FOR WEBCASTS: Hearing Room A

METHOD: Join by video conference at the link to be provided by an email from the Administrative Law Judge

5. Nobody should attend the remote hearing in-person.

6. 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

Doug Dean,
Director