

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-0432E

IN THE MATTER OF ADVICE LETTER NO. 1835 – ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 – ELECTRIC TARIFF TO ELIMINATE THE CURRENTLY EFFECTIVE GENERAL RATE SCHEDULE ADJUSTMENTS (“GRSA”) AND GENERAL RATE SCHEDULE ADJUSTMENT – ENERGY (“GRSA-E”), AND PLACE INTO EFFECT REVISED BASE RATES AND OTHER AFFECTED CHARGES FOR ALL ELECTRIC RATE SCHEDULES IN THE COMPANY’S ELECTRIC TARIFF, INCLUDING UPDATED ELECTRIC AFFORDABILITY PROGRAM (“EAP”), LOAD METER, AND PRODUCTION METER CHARGES TO BECOME EFFECTIVE NOVEMBER 19, 2020.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
GRANTING UNOPPOSED MOTION TO
EXCUSE ATTENDANCE OF ASSOCIATED
COUNSEL AND GRANTING UNOPPOSED
MOTION TO AMEND PRE-FILED TESTIMONY**

Mailed Date: April 28, 2021

I. STATEMENT

1. This Interim Decision grants two unopposed motions filed by counsel during the week prior to the start of the evidentiary hearing in this proceeding: (1) the unopposed Motion to Amend Pre-filed testimony filed by the Southwest Energy Efficiency Project (SWEET) on April 26, 2021 (SWEET Motion); and (2) the Unopposed Motion to Excuse the Attendance of Associated Counsel at the Evidentiary Hearing, filed by the Federal Executive Agencies (FEA) on April 26, 2021 (FEA Motion). This Decision also waives response times to both unopposed motions.

A. Procedural History

2. On October 19, 2020, Public Service Company of Colorado (Public Service) filed Advice Letter No.1835-Electric (AL-1835) with tariff sheets. Through AL-1835, Public Service proposes to allocate its approved \$1,835,585,415 revenue requirement¹ across customer classes, based on a Class Cost of Service Study using the 2019 Test Year approved by the Commission in Proceeding No. 19AL-0268E. Public Service states that this filing does not affect its annual revenue. This Proceeding is a Phase II Electric Rate Case.

3. The procedural history of this Proceeding is set forth in previously issued decisions and is repeated here only as necessary to put this Decision into context.

4. The Parties to this Proceeding are Public Service, Energy Outreach Colorado, the Colorado Office of Consumer Counsel, Trial Staff of the Colorado Public Utilities Commission, the City of Boulder, the City of Denver, the Colorado Solar and Storage Association/the Solar Energy Industries Association, Molson Coors Beverage Company, Climax Molybdenum Company, Vote Solar, Colorado Energy Consumers, Walmart Inc., Kroger Co., several Colorado Local Governments, SWEEP, and FEA.

5. Decision No. R20-0922-I (issued on December 29, 2020) *inter alia* adopted a procedural schedule with certain filing dates and set an evidentiary hearing for May 3 through 7 and 10 through 14, 2021 via remote video platform.

B. Unopposed Motions.

6. In the SWEEP Motion, SWEEP states that one of its witnesses, Justin Brant, recently discovered a factual error in his Cross-Answer Testimony, Hearing Exhibit 1301. As a

¹ The amount of \$1,828,985,415 was approved in Proceeding No. 20AL-0268E and \$6,600,000 for the Electric Affordability Program was allowed in Proceeding No. 20AL-0090E.

result, SWEEP wishes to amend page 10 of Hearing Exhibit 1301, which is attached to the SWEEP Motion as Attachment A. SWEEP commits to upload a replacement Page 10 for Mr. Brant's Cross-Answer Testimony to its designated box.com folder prior to the evidentiary hearing.

7. Decision No. R20-0913-I (issued on December 23, 2020) granted the Verified Motion of Peter Meier Requesting Permission to Appear *Pro Hac Vice* on behalf of FEA. Ronald J. Klinefelter, a member of the Colorado Bar, signed Mr. Meier's motion and was designated as the associated attorney for Mr. Meier.

8. The FEA Motion requests that Mr. Klinefelter, the Colorado associate attorney, be excused from attending the evidentiary hearing. The FEA Motion claims that Mr. Meier is an experienced attorney who has participated in rate cases and other regulatory proceedings, including Public Service's Phase I rate case, Proceeding No. 19AL-0268E, before this Commission. The FEA Motion states that Mr. Meier has been an active participant in this proceeding.

9. Pursuant to Rule 1400(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 (2020), SWEEP and FEA report that they have conferred with counsel for all parties to this proceeding and that no party opposes the relief requested in their respective motion.

10. The Administrative Law Judge (ALJ) finds that good cause exists for granting the unopposed SWEEP Motion and the unopposed FEA Motion.

11. The ALJ finds that time is of the essence for ruling on these two unopposed motions. Response time to the SWEEP Motion and the FEA Motion will be waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 CCR 723-1.

12. In amending page 10 of Hearing Exhibit 1301, not later than 5:00 p.m. on Thursday, April 29, 2021, SWEEP shall follow the procedures in Attachment B of Decision No. R21-0095-I (issued on February 22, 2021), specifically the instructions in the section entitled “Modifying, Amending, or Correcting a Previously Filed Hearing Exhibit After Deadline for Corrections” and the instructions about using box.com.

13. Mr. Klinefelter, the associated attorney for Mr. Meier, shall be excused from appearing at the evidentiary hearing in this proceeding.

II. ORDER

A. It Is Ordered That:

1. The Motion to Amend Pre-filed testimony filed by the Southwest Energy Efficiency Project on April 26, 2021 (SWEEP Motion) is granted, consistent with the discussion in this Decision.

2. The Unopposed Motion to Excuse the Attendance of Associated Counsel at the Evidentiary Hearing, filed by the Federal Executive Agencies on April 26, 2021 (FEA Motion) is granted, consistent with the discussion in this Decision.

3. Response times to the SWEEP Motion and the FEA Motion are waived.

4. This Interim 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