

Decision No. C21-0085-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0226E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER EXTENDING THE APPROVED REGULATORY TREATMENT OF MARGINS EARNED FROM CERTAIN TYPES OF RENEWABLE ENERGY CREDIT AND ENERGY TRANSACTIONS.

**INTERIM DECISION GRANTING UNOPPOSED MOTION
FOR ONE-WEEK EXTENSION OF TIME TO FILE
RESPONSE TO EXCEPTIONS AND REQUEST FOR
WAIVER OF RESPONSE TIME**

Mailed Date: February 17, 2021
Adopted Date: February 17, 2021

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission grants the Unopposed Motion for One-Week Extension of Time to File Response to Exceptions and Request for Waiver of Response Time (Unopposed Motion) filed by Public Service Company of Colorado (Public Service or Company) on February 10, 2021.

B. Background

2. On May 28, 2020, Public Service filed an Application for an extension of the currently approved margin sharing percentages in connection with certain types of transactions involving the sale of Renewable Energy Credits (RECs).

3. The Office of Consumer Counsel (OCC), Trial Staff of the Public Utilities Commission (Staff), Western Resource Advocates (WRA), and the City and County of Denver

(Denver) intervened in this proceeding, and the Commission referred this matter to Administrative Law Judge (ALJ) Garvey for a hearing.

4. ALJ Garvey held an evidentiary hearing in this matter on December 7, 2020.

5. On January 15, 2021, the ALJ issued Recommended Decision No. R21-0033, granting Public Service's Application. The Recommended Decision specifies certain procedures for filing exceptions and notes that "[r]esponse time to exceptions shall be shortened to seven days."¹

6. Staff filed exceptions on January 29, 2021, and WRA filed exceptions on February 4, 2021.²

C. Motion

7. In the Unopposed Motion, Public Service requests that the Commission grant a seven-day extension for filing a response to exceptions in this matter. The Company notes that because the Recommended Decision shortened the response time to seven days, a seven-day extension would result in a total of 14 days, which is the period set forth in Commission Rules.

8. Public Service argues that there is good cause to extend the seven-day deadline because "Public Service has had to reshuffle staffing in this matter and requires additional time to develop its response to the exceptions filed by Staff and WRA."³ The Company asserts that a seven-day extension of time "strikes a reasonable balance in that it still allows the Commission to

¹ Decision No. R21-0033, p. 16.

² The due date for filing exceptions to the Recommended Decision was February 4, 2021. Thus, Staff and WRA both timely filed their exceptions.

³ Unopposed Motion, p. 3. Public Service asserts that the underlying reason requiring new staffing is confidential and has filed the portion of the Unopposed Motion disclosing this reason under seal.

expeditiously rule on this matter while also allowing the Company additional time for new attorneys to prepare the response to exceptions.”⁴

9. Public Service also asks that the Commission waive the response time to its Unopposed Motion, given that the Company has conferred with Denver, Staff, the OCC, and WRA and none of the parties oppose the motion.

D. Findings and Conclusions

10. Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1505(a) of the Commission’s Rules of Practice and Procedure states that “Parties may file responses to exceptions within 14 days following service of the exceptions.” As Public Service notes, however, the Recommended Decision shortened this period to seven days.

11. Given Public Service’s stated reasons for its delay, we find good cause to extend the deadline set forth in the Recommended Decision. This extension of time will ensure that Public Service has adequate time to prepare responses to the exceptions filed by Staff and WRA and will not significantly delay the resolution of this matter.

12. We also find it appropriate to waive the response time to this Unopposed Motion.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion for One-Week Extension of Time to File Response to Exceptions and Request for Waiver of Response Time (Unopposed Motion) filed by Public Service Company of Colorado on February 10, 2021, is granted. Public Service shall have up to and including February 18, 2021, in which to file responses to both the exceptions filed by Trial Staff of the Public Utilities Commission and the exceptions filed by Western Resource Advocates.

⁴ *Id.* at 4.

2. The remaining response time to the Unopposed Motion is waived.
3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
February 17, 2021**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners