

Decision No. R20-0575-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0184E

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A PARTIAL WAIVER FROM RULE 3304 REQUIRING ELECTRIC METER TESTING FOR METERS THAT WILL BE REPLACED WITHIN THE ADVANCED GRID INTELLIGENCE AND SECURITY INITIATIVE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
VACATING REMOTE PREHEARING CONFERENCE**

Mailed Date: August 6, 2020

I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS

1. Only the procedural history necessary to understand this Decision is included. This matter concerns Public Service Company of Colorado (Public Service or the Company) above-captioned Petition (Petition).

2. The Colorado Office of Consumer Counsel and the Colorado Public Utilities Commission Trial Staff, (collectively, Interveners), intervened in this matter and requested a hearing on the Petition.

3. In anticipation of an evidentiary hearing on the Petition, the Administrative Law Judge (ALJ) scheduled a remote prehearing conference for July 9, 2020, per Rule 1409(a), 4 *Code of Colorado Regulations* (CCR) 723-1, of the Commission's Rules of Practice and Procedure. Decision No. R20-0475-I issued June 29, 2020. Based upon an Unopposed Motion to Reschedule Prehearing Conference Scheduled for July 9, 2020, the ALJ rescheduled the prehearing conference to August 6, 2020. Decision No. R20-0481-I issued July 1, 2020.

4. On August 5, 2020, the parties filed a Joint Notice of Resolution and Withdrawal of Interventions and Motion to Vacate Prehearing Conference (Notice). The Notice states that the parties agree that the Company's Petition satisfies the requirements of Rule 1003(c), 4 CCR 723-1, to obtain the requested rule waivers. Notice, ¶ 5. The Notice parties have reached a consensus concerning establishment of homogeneous meter testing lots and the Company's commitment to perform more rigorous testing for the new AMI/Interval meters. *Id.* at ¶ 6. As a result of this consensus, the OCC and Staff withdraw their Interventions and requests for a hearing on the Petition. *Id.*

5. With the Interventions withdrawn, the Petition is no longer contested. For that reason, the Notice asks that the ALJ issue a recommended decision granting the Petition, and vacate the prehearing conference as unnecessary. *Id.* at ¶ 7.

6. Given that the Notice is filed by all parties, and therefore is unopposed, the ALJ finds waive the response time to it and will do so. Rule 1400(b), 4 CCR 723-1.

7. Based on the Notice, the ALJ concludes that there is no need for a prehearing conference. As such, the ALJ will vacate the prehearing conference.

8. The ALJ will issue a recommended decision on the merits of the Petition by a separate decision.¹

II. ORDER

A. It Is Ordered That:

1. The response time to the Joint Notice of Resolution and Withdrawal of Interventions and Motion to Vacate Prehearing Conference is waived.

¹ The ALJ may issue other orders as necessary to decide the merits of the Petition.

2. The remote prehearing conference scheduled for August 6, 2020 at 1:30 p.m. is vacated.
3. The Interventions filed by Colorado Office of Consumer Counsel and the Colorado Public Utilities Commission Trial Staff are deemed withdrawn.
4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director