

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 21A-0192EG

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, FOR RECOVERY OF COSTS ASSOCIATED WITH THE FEBRUARY 2021 EXTREME WEATHER EVENT FOR ITS ELECTRIC AND GAS UTILITIES.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
SCHEDULING PREHEARING CONFERENCE**

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Mailed Date: July 14, 2021

**I. STATEMENT, FINDINGS, AND CONCLUSIONS**

**A. Background**

1. Only the procedural history necessary to understand this Decision is included. On May 17, 2021, Public Service Company of Colorado (Public Service or the Company) initiated this proceeding by filing the above-captioned Application, accompanied by exhibits. Public Service's Application seeks approval of its proposed cost recovery approach of the natural gas commodity costs incurred by its electric and gas utilities during the extreme cold weather event in February 2021. That same day, the Company also filed a Motion of Public Service Company of Colorado for Commission Approval of an Alternative Form of Notice, which the Commission granted with modifications on May 26, 2021. Decision No. C21-0325-I.

2. The Commission provided public notice of the Application on May 18, 2021; that notice also required that any party wishing to intervene must file a motion within 30 days of the notice (June 17, 2021). Notice of Application filed on May 18, 2021.

3. The following parties filed timely notices to intervene of right: the Office of Consumer Counsel (OCC), the Colorado Public Utilities Commission Staff, and the Colorado

Energy Office (CEO). The following parties filed timely motions seeking to permissively intervene: Tiger Natural Gas, Inc.; Grand Valley Rural Power Lines, Inc., Holy Cross Electric Association, Inc., Intermountain Rural Electric Association, Inc., and Yampa Valley Electric Association, Inc (collectively, the Electric Cooperatives); and WoodRiver Energy, LLC.

4. During its weekly meeting held June 30, 2021, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition.

5. In addition to the motions to permissively intervene, the following motions are currently pending: Public Service's Motion for Extraordinary Protection and Request for Waiver of Response Time filed May 17, 2021; Public Service's Motion for Variances from Electric and Gas Tariffs filed May 28, 2021; and CEO's and the OCC's Motion Requesting the Commission Hear this Proceeding *En Banc* and for Waiver of Response Time filed July 12, 2021 (Motion).

6. The Commission did not address the remaining pending motions before referring this matter.

## **B. Findings and Conclusions**

7. Given that the Motion is directed to the Commission, the ALJ will not address it. In addition, the ALJ will not address the other pending motions until after the Commission decides the Motion, and only then, if the Commission denies it. This approach allows the Commission to manage those motions as it deems appropriate, should it decide to hear this proceeding *en banc*.

8. While the ALJ appreciates that several parties have asked the Commission to hear this matter *en banc*, given the nature of this proceeding and the relevant statutory deadline, the ALJ will not delay the forward movement of this matter to await a Commission decision on the

Motion. The ALJ notes that the Motion does not divest the ALJ of her authority to enter decisions in this matter, and that the Motion makes no such argument.

9. To move this matter forward, and in anticipation of a hearing on the Application, the ALJ is scheduling a remote prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* (723-1, of the Commission's Rules of Practice and Procedure. Given that the prehearing conference may be held before decisions on pending motions to permissively intervene are issued, all those who wish to participate as a party in this matter are required to appear at the prehearing conference. This explicitly includes entities who have filed motions to permissively intervene.

10. Participants will appear at the prehearing conference from remote locations by video conference, and may not appear in person for the prehearing conference. The remote prehearing conference will be held using the web-hosted service, Zoom. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

11. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.<sup>1</sup>

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<sup>1</sup> Participants will receive an email with the information to join the hearing at the email addresses on file with the Commission for this proceeding. The ALJ anticipates that the hearing will be webcast, consistent with Commission practice; this means that those wishing to observe the hearing may do so without the need to join the hearing as a participant.

12. At the prehearing conference, an evidentiary hearing will be scheduled, and procedural deadlines will be established.<sup>2</sup> Other issues relevant to this proceeding may be raised at the prehearing conference. The parties, including those seeking to permissively intervene, must confer on a hearing date and procedural deadlines prior to the prehearing conference.

13. *All parties are on notice that* failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek, and denying motions to permissively intervene. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.

## II. ORDER

### A. It Is Ordered That:

1. A remote prehearing conference is scheduled as follows:

DATE: July 26, 2021

TIME: 10:00 a.m.

PLACE: Join by video conference using Zoom

2. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

3. All participants must comply with the requirements in Attachment A to this Decision, which is incorporated into this Decision.

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<sup>2</sup> This includes deadlines to file witness and exhibit lists, exhibits, post-hearing statements of position, settlement agreements, stipulations, and prehearing motions.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director