

Decision No. R22-0673-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0322E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO CONCERNING AN APPEAL OF A LOCAL GOVERNMENTAL LAND USE DECISION ISSUED BY THE TOWN OF EATON.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
GRANTING WAIVER, VACATING PREHEARING
CONFERENCE, AND STAYING PROCEEDING**

Mailed Date: October 28, 2022

I. STATEMENT

1. On July 11, 2022, Public Service Company of Colorado (Public Service or the Company) filed the above-captioned proceeding with the Colorado Public Utilities Commission.

2. By Decision No. R22-0495-I, the Town of Eaton (Eaton), a Colorado statutory municipality, was required to make a filing on or before September 2, 2022 stating its preference for the location of a public comment hearing; the deadline for a final Commission decision to issue in this proceeding was extended by 130 days to May 3, 2023; and a remote prehearing conference was scheduled.

3. On August 29, 2022, the Town of Eaton, and Public Service's Unopposed Joint Motion to Stay Proceeding and Vacate Prehearing Conference, for Waiver from Rule 3705(b) of the Commission's Rules Regulating Electric Utilities, 4 *Colorado Code of Regulations* (CCR) 723-3, and Request for Waiver of Response Time (Motion) was filed. Public Service and Eaton report

that they have reached a comprehensive settlement agreement in a related Weld County District Court appeal (Settlement Agreement). If approved, it would resolve the dispute herein.

4. In order to allow sufficient time to meet conditions precedent to the Settlement Agreement and to fully resolve the dispute between them, as further detailed in the Motion, Public Service and Eaton request that this proceeding be stayed, and the prehearing conference be vacated.

5. Rule 3705(b), 4 CCR 723-3, requires that a prehearing conference be held within 15 days after the application is deemed complete by the Commission. To permit granting the remainder of the requested relief, Public Service and Eaton jointly request that Rule 3705(b), 4 CCR 723-3, be waived.

6. Finally, Public Service and Eaton recommend that the ALJ direct them to file by October 17, 2022, either: (1) a Status Report and proposed procedural schedule, or (2) a motion to stay this Proceeding further, as appropriate.

7. The Company reports that it conferred with Trial Staff of the Commission (Staff) and the Colorado Office of the Utility Consumer Advocate (UCA). Based thereupon, Public Service and Eaton are authorized to state that Staff and the UCA do not oppose this Motion.

8. Based upon good cause shown for the unopposed request, response time to the Motion will be waived; the Motion will be granted; and Rule 3705(b), 4 CCR 723-3, will be waived.

II. ORDER

A. It Is Ordered That:

1. Response time to the Town of Eaton and Public Service’s Unopposed Joint Motion to Stay Proceeding and Vacate Prehearing Conference, for Waiver from Rule 3705(b), and Request for Waiver of Response Time filed on August 29, 2022, is waived.

2. Rule 3705(b) of the Commission’s Rules Regulating Electric Utilities, 4 *Colorado Code of Regulations* 723-3 is waived.

3. The prehearing conference scheduled in this proceeding to commence on September 12, 2022, is vacated.

4. On or before October 17, 2022, Public Service Company of Colorado and the Town of Eaton must file either: (1) a Status Report and proposed procedural schedule, or (2) a motion to further stay or dismiss this Proceeding, as appropriate.

5. This proceeding is stayed pending a further order.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director