

Decision No. C23-0849-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0242E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2024-2026 TRANSPORTATION ELECTRIFICATION PLAN.

**INTERIM COMMISSION DECISION ADDRESSING
MOTION AND AMENDING PROCEDURAL SCHEDULE**

Mailed Date: December 20, 2023

Adopted Date: December 20, 2023

I. BY THE COMMISSION

A. Statement

1. This Decision amends the procedural schedule established by Commission Decision No. C23-0514-I on August 7, 2023. Consistent with the discussion below, the Commission establishes December 29, 2023 as the deadline for any corrections to pre-filed testimony and exhibits as well as pre-hearing motions. The Commission also establishes January 2, 2024 at noon as the deadline for submission of witness lists and a cross examination matrix in this Proceeding.

B. Discussion

2. On May 15, 2023, Public Service Company of Colorado (Public Service or Company) filed an Application (Application) to approve its proposed 2024-2026 Transportation Electrification Plan (TEP).

3. On December 13, 2023, Public Service, on behalf of the Colorado Energy Office, the City of Denver, the City of Boulder, Western Resource Advocates and Sierra Club, the Environmental Justice Coalition, Tesla, Inc., the Southwest Energy Efficiency Project, Energy Outreach Colorado, the Regional Transportation District, Walmart, Inc., Evgo Services LLC, and EV.ENERGY Corp., (collectively the Settling Parties), filed a Joint Motion for Approval of the Non-Unanimous Comprehensive Settlement Agreement (Joint Motion) in which it requests the Commission approve the Non-Unanimous Comprehensive Settlement Agreement (Settlement Agreement) included as Attachment A to the Joint Motion.

4. In addition to requesting that the Commission approve the Settlement Agreement, the Joint Motion also requests that the Commission vacate and amend the evidentiary hearing dates scheduled for January 10-12, 2024, and January 16, 2024 so that the hearing will take place on January 17-19, 2024, and January 22-24, 2024. The Joint Motion suggests that vacating the earlier hearing dates is appropriate because of the large number of parties who support the Settlement Agreement and waive cross examination of each other's witnesses. In addition to vacating the first three hearing days, the Joint Motion requests the Commission amend the deadline for corrections to pre-filed testimony and exhibits along with pre-filed motions to January 4, 2024 (currently December 20, 2023) and the deadline for witness lists and the cross-examination matrix to January 10, 2024 (currently December 29, 2023). The Joint Motion indicates that the scheduling requests are unopposed by any party except for Commission Staff.

5. Also on December 13, 2023, Trial Staff of the Commission, the Colorado Energy Consumers, the Utility Consumer Advocates, Climax Molybdenum Company, Electrify America, LLC, and the Americans for Affordable Clean Energy, collectively filed a non-comprehensive and non-unanimous stipulation (Stipulation).

6. On December 18, 2023, Staff filed a response to the Joint Motion (Staff Response). In its Response, Staff argues that the Commission should deny the Company's request to vacate the first days of hearing because the Joint Motion understates the amount of conflict that remains in this case despite the Joint Settlement. Staff argues that there could still be "immense" cross-examination in this case and supports its calculation with a hypothetical cross examination matrix that shows an estimated 51 hours of hearing. Staff also argues that it is unwise to shorten a hearing in a proceeding that is controversial and where parties have arranged schedules to accommodate the hearing dates months in advance. Instead of the proposed procedural schedule changes suggested in the Joint Motion, Staff instead requests the Commission decline to adjust the hearing schedule, amend the corrections deadline to December 29, 2023, and the cross-examination matrix until January 3, 2024.

C. Conclusions and Findings

7. We find good cause to modify the deadline for corrections to pre-filed testimony and exhibits and pre-hearing motions to December 29, 2023 and the deadline for witness lists and cross examination matrix to January 2, 2024 at noon. Modifying these deadlines allows for limited, additional time for hearing preparation, but retains the Commission's ability to hold the full scheduled evidentiary hearing, if necessary. We therefore grant in part and deny in part the procedural requests in the Joint Motion.

8. The Commission will address the remainder of the Joint Motion, including whether to vacate hearing dates and whether to approve the Settlement Agreement, at a future date.

II. ORDER**A. The Commission Orders That:**

1. The Joint Motion for Approval of the Non-Unanimous Comprehensive Settlement Agreement (Joint Motion) filed by Public Service Company of Colorado is denied in part and granted in part with respect to the procedural schedule changes. The remainder of the Joint Motion will be addressed at a future time.

2. The Commission establishes December 29, 2023 as the deadline for any corrections to pre-filed testimony and exhibits as well as pre-hearing motions in this Proceeding.

3. The Commission also establishes January 2, 2024 at noon as the deadline for the witness list and cross examination matrix in this Proceeding.

4. The Commission will make any further modifications to the procedural schedule as necessary.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 20, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners