

Decision No. R23-0630-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0215E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR RECOVERY OF 2022 COAL DISPLACEMENT POWER COSTS AND OTHER 2022 ELECTRIC COMMODITY ADJUSTMENT DEFERRED COSTS PURSUANT TO DECISION NO. C22-0830-I.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING UNOPPOSED MOTION FOR EXTENSION TO
FILE TESTIMONY IN OPPOSITION TO THE
SETTLEMENT AGREEMENT AND REQUEST TO WAIVE
RESPONSE TIME**

Mailed Date: September 20, 2023

I. STATEMENT

A. Background

1. On May 1, 2023, Public Service Company of Colorado (Public Service) filed a Verified Application (Application) seeking approval to recover its 2022 coal displacement power costs and other 2022 electric commodity adjustment deferred costs pursuant to Decision No. C22-0830-I issued on December 22, 2022, in Proceeding No. 22AL-0531E. With the Application, Public Service filed: (a) a Motion for Alternative Form of Notice; and (b) a Motion for Partial Variance from Decision No. C06-1379, which issued on December 1, 2006, in Proceeding No. 06S-234EG.

2. On May 3, 2023, the Commission issued a notice of the Application.

3. On May 4, 2023, the Commission issued Decision No. C23-0295-I that granted Public Service's Motion for Alternative Form of Notice.

4. On May 18, 2023 and June 2, 2023, January 6 and 19, 2023, the Office of the Utility Consumer Advocate (UCA) and Trial Staff of the Commission (Staff) filed Notices of Intervention by Right, respectively.

5. On June 7, 2023, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ) by minute entry. The proceeding was subsequently assigned to the undersigned ALJ.

6. On July 5, 2023, the ALJ issued Decision No. R23-0441-I that scheduled a remote prehearing conference for July 19, 2023, and required the parties to confer about a procedural schedule and Public Service to file a report of the conferral by July 17, 2023.

7. On July 14, 2023, Public Service filed the Conferral Report. In it, Public Service reported that the parties had agreed to a procedural schedule.

8. On July 19, 2023, the ALJ issued Decision No. R23-0466-I that extended the statutory deadline and adopted the procedural schedule proposed by the parties with one addition.

9. On August 23, 2023, Public Service filed a Notice of Non-Unanimous Comprehensive Settlement Agreement in Principle, Unopposed Motion to Vacate and Amend Procedural Schedule, and Request for Waiver of Response Time (Unopposed Motion). The Unopposed Motion proposed a September 18, 2023 deadline to file testimony in opposition to the Settlement Agreement.

10. On September 8, 2023, the ALJ issued Decision No. R23-0578-I that granted the Unopposed Motion.

11. On September 8, 2023, UCA filed an Unopposed Motion for Extension to File Testimony in Opposition to the Settlement Agreement and Request to Waive Response Time (Second Unopposed Motion). In the Second Unopposed Motion, UCA requested to extend the deadline for filing testimony in opposition to the Settlement Agreement from September 18, 2023 to September 21, 2023.

B. Analysis

12. As noted, the Second Unopposed Motion is not opposed by any party. In addition, UCA has established good cause to grant the Section Unopposed Motion. Accordingly, response time will be waived, and the Second Unopposed Motion will be granted.

II. ORDER

A. It Is Ordered That:

1. Response time to the Unopposed Motion for Extension to File Testimony in Opposition to the Settlement Agreement and Request to Waive Response Time filed by the Office of the Utility Consumer Advocate on September 8, 2023 (Second Unopposed Motion) is waived.

2. The Second Unopposed Motion is granted.

3. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge