

Decision No. C03-0760

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

DOCKET NO. 02A-665E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVALS IN CONNECTION WITH THE THIRD AMENDMENT TO THE ON-SYSTEM POWER PURCHASE AGREEMENT BETWEEN THERMO POWER AND ELECTRIC, INC. AND PUBLIC SERVICE COMPANY OF COLORADO.

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**ORDER GRANTING MOTION FOR  
EXPEDITED DECISION, AND MOTIONS TO  
PARTICIPATE AS *AMICUS CURIAE***

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Mailed Date: July 10, 2003

Adopted Date: July 9, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of: (1) the Motion for Expedited Decision and Request for Waiver of Response Time filed by Thermo Power and Electric, Inc.; (2) the Motion of Board of Trustees of the University of Northern Colorado (UNC) for Leave to Participate as *Amicus Curiae* and File Exceptions to Recommended Decision No. R03-0687, and Request for Waiver of Response Time; and (3) the Motion of Colorado Independent Energy Association (CIEA) and Electric Power Supply Association (EPSA) for Leave to Participate as *Amicus Curiae* and File Exceptions to Recommended Decision No. R03-0687, and Request for Waiver of Response Time. All three motions were filed on July 8, 2003. Now being duly advised, we grant the motions consistent with the discussion below.

2. The Motion for Expedited Decision by Thermo Power and Electric, Inc. (Thermo), requests that the Commission enter its decision on any Exceptions in this case by August 28, 2003. Good cause was stated for expedited consideration, and we now inform the

parties that the Commission will do all things practicably possible to enter its decision on Exceptions on or before August 28, 2003.

3. The Motions to Participate as *Amicus Curiae* stated good cause for UNC, CIEA, and EPSA to participate as *amicus curiae* in the Commission's consideration of any Exceptions filed by the parties in this case. We clarify that, because they are participating as *amicus curiae* and not as parties to this proceeding, the pleadings filed by UNC, CIEA, and EPSA will not be considered as Exceptions to Recommended Decision No. R03-0687, but merely as *amicus* support for Exceptions filed by any party to this case (such as Thermo or Public Service Company of Colorado). See § 40-6-109(2), C.R.S. ("parties" may file exceptions to a recommended decision).

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Motion for Expedited Decision and Request for Waiver of Response Time filed by Thermo Power and Electric, Inc., on July 8, 2003 is granted consistent with the above discussion.

2. The Motion of Board of Trustees of the University of Northern Colorado for Leave to Participate as *Amicus Curiae* and File Exceptions to Recommended Decision No. R03-0687, and Request for Waiver of Response Time is granted consistent with the above discussion.

3. The Motion of Colorado Independent Energy Association and Electric Power Supply Association for Leave to Participate as *Amicus Curiae* and File Exceptions to Recommended Decision No. R03-0687, and Request for Waiver of Response Time is granted consistent with the above discussion.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 9, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners