

(Decision No. C94-1101)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPEN-)
SION OF PROPOSED CHANGES IN TAR-))
IFFS FILED BY PUBLIC SERVICE)
COMPANY OF COLORADO UNDER ADVICE) DOCKET NO. 93S-001EG
LETTER NO. 1192-ELECTRIC, ADVICE)
LETTER NO. 477-GAS, AND ADVICE)
LETTER NO. 53-STEAM.)

RE: INVESTIGATION OF PROPOSED)
CHANGES TO ELECTRIC, GAS, AND)
STEAM RATES, PUBLIC SERVICE) DOCKET NO. 94I-430EG
COMPANY OF COLORADO, 1225 17TH)
STREET, DENVER, COLORADO.)

COMMISSION ORDER OPENING AN
INVESTIGATORY DOCKET FOR PHASE II

Mailed Date: August 19, 1994
Adopted Date: August 10, 1994

STATEMENT

BY THE COMMISSION:

This matter comes before the Colorado Public Utilities Commission ("Commission") for consideration of the filing of tariffs by Public Service Company of Colorado ("Public Service" or "Company") on August 1, 1994. Public Service proposes changes in its current rate design. This rate design proceeding, known as a Phase II proceeding, follows the Phase I proceeding in Docket No. 93S-001EG in which the Commission determined the Company's revenue requirement.¹ The Company does not propose in this Phase II proceeding any change in its overall revenue requirement.

¹ Decision No. C93-1346.

The proposed tariffs do not have an effective date. In a letter dated July 28, 1994 to Bruce Smith, Director of the Commission, the Company explains that no effective date is proposed in order to allow the parties and the Commission more than the 210-day period under § 40-6-111(1)(b), C.R.S. We agree that to fully litigate the matter and bring it to closure will likely exceed the 210-day statutory period.

Because there is no effective date in the proposed tariffs, there is no necessity for an order suspending the proposed tariffs pending a final decision. After hearing, Public Service shall file tariffs in compliance with the final decision of this Commission with a specified effective date.

Persons interested in protesting the proposed tariffs must do so on or before September 9, 1994. The filing of a protest will not constitute a petition or notice of intervention.

Persons who wish to participate as a party must do so, by filing a petition or notice of intervention, not later than 2 p.m. on September 26, 1994. Parties to Phase I in Docket No. 93S-001EG shall be deemed parties to this Phase II proceeding without further action on their part. However, Phase I parties who will not participate fully in Phase II should notify the Commission of that fact. In addition, Mr. Lloyd R. Buzby who filed testimony in Phase I will be granted intervention, and his testimony filed in Phase I will be deemed filed in this Phase II proceeding.²

² See, C93-976 at 2.

The Commission has decided to assign a new docket number to this Phase II proceeding. Therefore, Docket No. 94I-430EG will be opened. All testimony and exhibits filed by Public Service on August 1, 1994 shall be deemed filed in Docket No. 94I-430EG. New petitions, notices to intervene, pleadings, and other documents shall be filed in Docket No. 94I-430EG.

A prehearing conference shall be held before the Commission sitting *en banc* on September 29, 1994 beginning at 9 a.m. Public Service shall make a good faith effort to contact all known parties for purposes of obtaining a consensus on a proposed procedural schedule to be discussed at the prehearing conference. The parties should address in the procedural schedule: (1) discovery deadlines; (2) response times; (3) protective orders; (4) testimony deadlines; and (5) hearing dates. If possible, the proposed procedural schedule should be filed with the Commission prior to the prehearing conference.

Among the issues to be considered in the proposed procedural schedule and at the prehearing conference, parties should be prepared to address whether the Commission should bifurcate the proceeding to consider separately natural gas rates and electric/steam rates.

THEREFORE THE COMMISSION ORDERS THAT:

1. Docket No. 94I-430EG hereby is opened. All testimony, exhibits, and proposed tariffs filed by Public Service Company of Colorado on August 1, 1994, are deemed filed in this new docket.

2. All parties to the Phase I proceeding are deemed parties to this new Docket No. 94I-430EG. Phase I parties who will not participate fully in Phase II should notify the Commission of that fact.

3. Any person who is not already a party but who wishes to intervene in this Phase II proceeding shall file a petition or notice to intervene not later than 2 p.m. on September 26, 1994.

4. Lloyd R. Buzby hereby is granted intervention, and his testimony filed May 11, 1993, and July 21, 1993, is deemed filed in Docket No. 94I-430EG.

5. A **prehearing conference** before the Commission sitting en banc is set:

DATE: September 29, 1994
TIME: 9 a.m.
PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING August 10, 1994.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert J. Hix

Christine E.M. Moran

Vacant Myskowski

Commissioners

NT:srs