

Decision No. C21-0194-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0345E

IN THE MATTER OF THE VERIFIED APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF AN ECONOMIC DEVELOPMENT RATE (EDR) PROPOSAL PURSUANT TO COLORADO HB 18-1271.

**INTERIM DECISION GRANTING, WITH
MODIFICATIONS, THE UNOPPOSED
MOTION TO AMEND THE PROCEDURAL
SCHEDULE AND WAIVER OF RESPONSE TIME**

Mailed Date: March 31, 2021

Adopted Date: March 31, 2021

I. BY THE COMMISSION

A. Statement

1. This Decision grants with modifications the Unopposed Motion to Amend the Procedural Schedule (Unopposed Motion) and Waiver of Response Time filed on March 26, 2021, by Public Service Company of Colorado (PSCo or Company), Trial Staff of the Commission (Trial Staff), and the Colorado Office of Consumer Counsel (OCC).

B. Discussion

2. On August 21, 2020, PSCo filed an application to implement an Economic Development Rate (EDR) pursuant to House Bill 18-1271. The proposed EDR is designed to recruit incremental or expanded loads from large customers through a rate discount via contracts of up to ten years. PSCo sponsored expert testimony from three Company witnesses.

3. By Decision No. C20-0702-I, issued October 6, 2020, the Commission deemed the application complete and set the matter for hearing *en banc*.

4. By Decision No. C20-0726-I, issued October 9, 2020, the Commission recognized the parties to this proceeding: Trial Staff, the OCC, and the Colorado Energy Consumers (CEC). Black Hills Colorado Electric, LLC is also participating in this proceeding as an *amicus curiae*, and as a non-litigating party who was not consulted for purposes of this Unopposed Motion.

5. On October, 28, 2020, through Decision No. C20-0756-I, the Commission adopted a proposed procedural schedule and required Supplemental Direct Testimony of the Company which was timely filed on December 11, 2020.

6. On January 14, 2021, by Decision No. C21-0032-I, the Commission required the Company to submit Second Supplemental Direct Testimony to clarify the record on several issues. PSCo timely responded on January 25, 2021.

7. By Decision No. C21-0051-I, issued January 28, 2021, the Commission approved, with adjustment, proposed modifications to the procedural schedule in order to accommodate the time necessary to submit the Second Supplemental Direct Testimony. The new schedule established March 26, 2021 as the deadline for settlements or stipulations and/or any pre-hearing motions. By that decision, the Commission modified the entrance of a witness cross-examination matrix to March 30, 2021 and affirmed the hearing dates in this proceeding as April 5 through 9, 2021, and the Statements of Position to April 23, 2021.

8. On February 16, 2021, Trial Staff and the OCC submitted Answer Testimony raising a wide range of issues. PSCo submitted Rebuttal Testimony on March 15, 2021.

9. On March 26, 2021, the Company, Trial Staff, and the OCC (the Settling Parties) filed a Notice of Partial Settlement in Principle (Notice), the Unopposed Motion, and a Request for Waiver of Response Time. The Notice claims that the sole remaining intervening party, the CEC, has taken no position on the Notice or underlying "Settlement Agreement" at this time.

10. The Notice claims the Settling Parties have reached a settlement in principle on “most issues” in the instant proceeding, and that the Settlement Agreement will be formally filed (along with a Motion to Approve) by Wednesday, March 31, 2021 and supportive testimony will be filed by Friday, April 2, 2021. Settling Parties request the Commission amend the evidentiary hearing dates by vacating those scheduled for April 5 through 7, 2021 and retaining the hearings of April 8 and 9, 2021. The Settling Parties request the Commission order the scope of the remaining hearings be limited to: (1) Commission review of the Settlement Agreement; and (2) cross-examination between parties strictly limited to the remaining unresolved issues which are expected to center on geographic scope/targeting of the EDR discount.

11. The Notice requests that the Commission order the procedural schedule modified to accommodate the proposed dates. A proposed cross-examination matrix will still be filed on March 30, 2021.

12. The Notice also requests waiving response time since it is unopposed.

C. Conclusions and Findings

13. The Commission finds the proposed schedule changes per the Unopposed Motion are conducive to producing a viable settlement in this proceeding with one modification. In order to provide the Commission adequate time to review the settlement and supporting testimony and all remaining issues, we adjust the remaining hearing dates to April 15 and 16, 2021.

14. The Commission finds the Settlement Agreement shall be filed on March 31, 2021 and any supporting testimony to be filed on April 2, 2021.

15. We vacate the evidentiary hearings scheduled for April 5 through 9, 2021.

16. We also find need to vacate the April 23, 2021 due date for Statements of Position (SOPs). We will set a new deadline for the SOPs at the hearing.

II. ORDER

A. It Is Ordered That:

1. Subject to the modification discussed above, we grant the Unopposed Motion to Amend Procedural Deadlines filed by Public Service Company of Colorado, Trial Staff of the Commission, and the Colorado Office of Consumer Counsel on March 26, 2021.

2. The evidentiary hearings that are scheduled for April 8 and 9, 2021, are modified as follows:

DATES: April 15 and 16, 2021

TIME: 9:00 a.m. until concluded but not later than 5:00 p.m.

PLACE: By video conference using Zoom at a link provided to parties by email.

3. The waiver of response time is granted.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 31, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners