

Decision No. R23-0441-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
SCHEDULING REMOTE
PREHEARING CONFERENCE AND
REQUIRING PARTIES TO CONFER AND PUBLIC
SERVICE TO FILE A REPORT REGARDING THE
CONFERRAL BEFORE THE REMOTE PREHEARING
CONFERENCE**

Mailed Date: July 5, 2023

I. STATEMENT

A. Background

1. On May 1, 2021, 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 and Trial Staff of the Commission 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.

B. Remote Prehearing Conference

6. It is appropriate to hold a remote prehearing conference in this proceeding. Accordingly, a remote prehearing conference shall be scheduled for July 19, 2023 at 1:30 p.m. The remote prehearing conference will be conducted over the Zoom videoconferencing platform. The ALJ or a member of Commission Staff will email the log-in information in advance of the hearing.

C. Conferral and Conferral Report

7. Public Service shall confer with the other parties in advance of the remote prehearing conference regarding a schedule for this proceeding, any discovery procedures that are inconsistent with the Commission's rules governing discovery, and the method by which the hearing should be conducted. The Commission can conduct in-person, remote, or hybrid hearings. A remote hearing is one in which all of the participants appear and participate from remote locations over the Zoom web conferencing platform. A hybrid hearing involves the ALJ and at least one party and/or witness participating from one of the Commission's hearing rooms

in Denver, and the remaining party(ies) and witness(es) participating from one or more remote locations using the Zoom web conferencing platform. An in-person hearing is one in which the ALJ and all parties and witnesses participate in the hearing at the same location.

8. Public Service shall file a report of the results of the conferral. If there is agreement on a schedule, including dates for the hearing, discovery procedures that are inconsistent with the Commission's rules governing discovery, and/or the method for conducting the hearing (*i.e.*, remote, hybrid, or in-person), the report shall state as much and detail the stipulated procedural schedule, discovery procedures, and/or method for conducting the hearing. If no agreement is achieved, the report shall state as much and identify the competing schedules, discovery procedures, and/or methods for conducting the hearing proposed by the parties. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

9. The parties are urged to review the Commission's public calendar to identify suitable days for the hearing in this proceeding and propose more than one date or consecutive dates for the hearing. The latest date on which the hearing can conclude is October 19, 2023, which assumes that the deadline for a final Commission decision will be extended 130 days pursuant to § 40-6-109.5(1), C.R.S. The deadline for Public Service to file the report is July 17, 2023.

10. All parties must appear at the remote prehearing conference. Failure to attend or to participate in the remote prehearing conference is a waiver of any objection to the rulings made, to the procedural schedule established, and to the hearing dates scheduled during the remote prehearing conference.

II. ORDER

A. It Is Ordered That:

1. The parties in this proceeding are Public Service Company of Colorado (Public Service), Trial Staff of the Commission, and the Office of the Utility Consumer Advocate.

2. A remote prehearing conference in this proceeding is scheduled as follows:

DATE: July 19, 2023

TIME: 1:30 p.m.

WEBCAST: Hearing Room B

METHOD: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge¹

3. Nobody should appear in-person for the remote prehearing conference.

4. Public Service shall file the report of the conferral identified above on or before July 17, 2023.

¹ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director