

Decision No. R23-0582-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0356E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER AUTHORIZING IT TO MODIFY AND EXTEND ITS ELECTRIC QUALITY OF SERVICE PLAN THROUGH 2026.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING REMOTE PREHEARING CONFERENCE**

Mailed Date: August 31, 2023

I. STATEMENT AND BACKGROUND

A. Summary

1. This Decision schedules a fully remote prehearing conference for September 8, 2023 at 1:00 p.m. to move this matter forward.

B. Procedural History¹

2. On June 30, 2023, Public Service Company of Colorado (Public Service or the Company) filed the above-captioned Application with testimony.

3. On July 7, 2023, the Commission provided public notice of the Application and established a 30-day deadline to file interventions except for Colorado Public Utilities Commission Trial Staff, whose deadline was set for seven days after the Notice expires.²

¹ Only the procedural history necessary to understand this Decision is included.

² Notice of Application, filed on July 6, 2023.

4. On July 21, 2023, Staff filed a Notice of Intervention of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing.

5. On July 24, 2023, the Colorado Energy Consumers filed an Unopposed Motion to Permissively Intervene.

6. On August 1, 2023, the City of Boulder filed a Motion for Permission to Intervene.

7. On August 2, 2023, the City and County of Denver filed a Motion to Permissively Intervene.

8. On August 7, 2023, Energy Outreach Colorado filed a Motion to Intervene and Entry of Appearance.

9. On August 9, 2023, the Commission deemed the Application complete and referred the matter for disposition to an Administrative Law Judge (ALJ).

10. On August 10, 2023, the Office of the Utility Consumer Advocate (the UCA) filed a Motion for Late-Filed Intervention by Right and Entry of Appearances (UCA's Intervention).

11. To move this matter forward, the ALJ informally contacted the parties via email asking them to submit a proposed procedural schedule (including hearing dates) by August 31, 2023; the ALJ included potential hearing dates in this communication.³ In response, on August 31, 2023, counsel for Public Service responded that the majority of the parties believe extraordinary circumstances exist justifying a 130-day extension of the statutory deadline for a final Commission decision to issue, consistent with § 40-6-109.5(4), C.R.S., and suggested hearing dates and a procedural schedule that aligns with such an extension.⁴ The ALJ advised the parties

³ Email with Parties filed August 31, 2023 (Email with Parties) at 3-4.

⁴ Email with Parties at 1-3.

that she would schedule a hearing for September 8, 2023 at 1:00 p.m. at which extraordinary circumstances can be established, consistent with the requirements of with § 40-6-109.5(4), C.R.S., and a procedural schedule established.⁵

II. FINDINGS AND CONCLUSIONS

12. To move this matter forward, and to allow the parties to establish that extraordinary circumstances exist justifying a 130-day extension of the statutory deadline for a final Commission decision consistent with the requirements of § 40-6-109.5(4), C.R.S., the ALJ is scheduling a remote prehearing conference as set forth below.

13. During the prehearing conference, the ALJ will rule on outstanding motions (including interventions), establish a procedural schedule and hearing dates, and determine whether extraordinary circumstances exist justifying a 130-day extension of the statutory deadline for a final Commission decision per § 40-6-109.5(4), C.R.S.

14. For purpose of the prehearing conference, all those who have filed an intervention are considered parties.

15. Participants will appear at the prehearing conference from remote locations by video-conference and may not appear in person for the prehearing conference. The remote prehearing conference will be held using the web-hosted service, Zoom. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

⁵ Email with Parties at 1.

16. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

17. *All parties are on notice that failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek, dismissing interventions, and dismissing or granting the Application. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.*

III. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, a fully remote prehearing conference is scheduled as follows:

DATE: September 8, 2023

TIME: 1:00 p.m.

PLACE: Join by video conference using Zoom.

2. Participants in the hearing may not distribute the hearing link, access, or ID code to anyone not participating in the hearing. Participants may not appear in person at the Commission for the above-scheduled hearing. Instead, they must participate in the hearing from remote locations, consistent with the requirements of this Decision.

3. All participants must comply with the requirements in Attachment A to this Decision, which is incorporated into this Decision.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director