

Decision No. R23-0761-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0339E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF DEFERRED ACCOUNTING TREATMENT FOR INCREMENTAL, NON-ROUTINE, AND EXTRAORDINARY COSTS INCURRED IN ACCORDANCE WITH COAL COMBUSTION RESIDUAL REGULATIONS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
MODIFYING PROCEDURAL SCHEDULE AND
EVIDENTIARY HEARING**

Mailed Date: November 14, 2023

I. STATEMENT

1. On June 28, 2023, Public Service Company of Colorado (Public Service or the Company) filed its Verified Application (Application) requesting that the Public Utilities Commission (Commission) approve deferred accounting of the incremental, non-routine, and extraordinary costs relating to the Environmental Protection Agency’s (EPA) Coal Combustion Residuals (“CCR”) regulations. Public Service included Hearing Exhibits 101-103 (and associated Attachments) with their Application, including the direct testimony of three witnesses.

2. On November 9, 2023, the Notice of Unopposed Comprehensive Settlement in Principle, Unopposed Motion to Amend Procedural Schedule, and Request for Waiver of Response Time and Expedited Decision was filed by Public Service. Public Service provides notification that Public Service, Trial Staff of the Commission (Staff), and the Colorado Office of the Utility Consumer Advocate (UCA) (collectively, the Settling Parties) have reached a comprehensive

settlement in principle resolving all issues in this Proceeding. So that the parties can work to memorialize the settlement in principle into a formal written Settlement Agreement, it is requested that the procedural schedule governing this proceeding be modified.

3. Public Service, on behalf of the Settling Parties, requests that the procedural schedule be modified to:

(1) extend the November 9, 2023, deadlines for the filing of Rebuttal Testimony and Cross-answer Testimony from November 9 to November 22, 2023;

(2) extend the date for filing a written settlement agreement from November 20 to November 22, 2023;

(3) extend the date for filing settlement testimony from November 29 to November 30 2023;

(4) in the unlikely event an unopposed comprehensive settlement agreement is not filed, extend the date for filing a cross-examination matrix, corrections to pre-filed testimony and exhibits, and any pre-hearing motions to November 30, 2023;

(5) vacate the December 4, 2023, evidentiary hearing date, while reserving the December 5, 2023 date for a hearing on the Settlement Agreement, if needed; and

(6) hold vacating the due date for Statements of Position in abeyance, pending a decision on whether a settlement hearing is needed.

4. The request being unopposed, it is appropriate that response time be waived.

5. Based upon good cause shown for the unopposed request, the requested relief will be granted, as ordered below.

II. ORDER

A. It Is Ordered That:

1. Response time is waived to the Unopposed Motion to Amend Procedural Schedule and the requested relief is granted.

2. The following amended procedural schedule will govern the remainder of this proceeding:

<u>Procedural Event</u>	<u>Due Date(s)</u>
Rebuttal and Cross-Answer Testimony Due	November 22, 2023
Deadline for Settlements and Stipulations	November 22, 2023
Settlement Testimony Due (If there is no comprehensive settlement agreement filed, parties must file cross-examination matrix, corrections to pre-filed testimony & exhibits, and any pre-hearing motions.)	November 30, 2023
Statements of Position Due	December 22, 2023

3. The first day of the evidentiary hearing currently scheduled to commence on December 4, 2023, is vacated. The hearing will now commence on December 5, 2023, as previously scheduled:

DATES: December 5, 2023
 TIME: 9:00 a.m. each day
 PLACE: Join by video conference using Zoom.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director