

Decision No. C23-0185-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 22A-0515E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS COST RECOVERY PROPOSAL ASSOCIATED WITH THE EARLY RETIREMENTS OF COAL GENERATION ASSETS CRAIG 2, HAYDEN 1, AND HAYDEN 2, AND THE RETIRING COAL PORTION OF PAWNEE.

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**INTERIM COMMISSION DECISION GRANTING  
UNOPPOSED MOTION TO ESTABLISH ALTERNATE  
HEARING DATES, AND TO MODIFY THE REMAINING  
PROCEDURAL SCHEDULE, AND REQUEST FOR  
WAIVER OF RESPONSE TIME**

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Mailed Date: March 16, 2023

Adopted Date: March 15, 2023

**I. BY THE COMMISSION**

**A. Statement**

1. On March 13, 2023, Public Service Company of Colorado (Public Service or the Company) filed an Unopposed Motion to Establish Alternate Hearing Dates and to Modify the Remaining Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion).

2. Through this Decision, the Commission grants the Unopposed Motion, vacates the evidentiary hearing currently scheduled for March 20-22, 2023, and reschedules the evidentiary hearing for April 6-7, 2023. To accommodate the new hearing dates and an extended settlement deadline, we make certain other changes to the procedural schedule. The Commission also waives response time to the Unopposed Motion.

**B. Discussion**

3. On December 8, 2022, Public Service filed the Unopposed Motion to Approve Procedural Schedule in which it states that the Company conferred with the parties and reached a consensus procedural schedule and discovery procedures. Among other things, this consensus procedural schedule requested the following deadlines:

- Deadline for stipulations and settlement agreements – March 14, 2023
- Deadline for cross examination matrix, corrections to pre-filed exhibits – March 15, 2023
- Evidentiary hearing – March 20-22, 2023

4. In Decision No. C22-0812-I, issued December 15, 2022, the Commission largely adopted the parties' consensus procedural deadlines. The primary change the Commission made was to schedule alternative hearing dates for April 6-7, 2023. The Commission noted that there are only three business days between the settlement deadline (March 14, 2023) and the start of the evidentiary hearing (March 20, 2023). The Commission stated that if, based on a filed stipulation or settlement, the Commission determines that beginning the evidentiary hearing on March 20, 2023, is infeasible, the Commission will vacate the hearing starting March 20, 2023, and reschedule the evidentiary hearing to the reserved dates of April 6 and 7, 2023.<sup>1</sup>

5. In the Unopposed Motion, Public Service states that the parties<sup>2</sup> to this Proceeding have made good progress and are hopeful regarding the prospect of a potential settlement but that

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<sup>1</sup> Decision No. C22-0812-I, p. 9.

<sup>2</sup> Decision No. C22-0812-I established the following as parties to this Proceeding: Public Service, Trial Staff of the Commission; the Colorado Office of the Utility Consumer Advocate; the Colorado Energy Consumers; the Conservation Coalition; and Climax Molybdenum Company.

it will not be possible to complete negotiations and reach a settlement in principle on or before the settlement deadline of March 14, 2023. To allow more time for settlement negotiations, Public Service requests that the Commission reschedule the evidentiary hearing to the alternative dates the Commission has reserved on April 6-7, 2023. The intervenors agree with this request.<sup>3</sup>

6. In addition, Public Service requests an extension of the deadline for stipulations and settlements to March 24, 2023, and for the deadline for the cross-examination matrix and corrections to pre-filed testimony and exhibits to be moved to March 27, 2023. Regarding the deadline for statements of position (currently set for March 30, 2023), Public Service states that if a unanimous, comprehensive settlement agreement is not reached, parties will confer on an updated deadline for statements of position and report back to the Commission on or before March 27, 2023.

7. Finally, Public Service requests that the Commission waive response time to the Unopposed Motion pursuant to Rule 1308(c).

8. We grant the Unopposed Motion in order to give the parties additional time for settlement negotiations. The new deadline for stipulations and settlement agreements is March 24, 2023. Accordingly, we vacate the hearing set for March 20-22, 2023, and reschedule the evidentiary hearing to April 6-7, 2023. We also change the deadline for the cross-examination matrix and corrections to pre-filed testimony and exhibits to March 27, 2023. If the parties do not reach a unanimous, comprehensive settlement agreement, Public Service shall have up to and including March 27, 2023, within which to confer with the parties and report back to the Commission on an updated proposed deadline for statements of position.

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<sup>3</sup> Unopposed Motion , p. 3.

9. Given that all of the parties to this Proceeding support the Unopposed Motion, we grant the requested waiver of response time.

**II. ORDER**

**A. The Commission Orders That:**

1. The Unopposed Motion to Establish Alternate Hearing Dates and to Modify the Remaining Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion) that Public Service Company of Colorado filed on March 13, 2023, is granted.

2. We adopt the new deadlines set forth in the Unopposed Motion for stipulations and settlements as well as the cross-examination matrix and corrections to pre-filed testimony and exhibits, consistent with the discussion above.

3. Public Service shall have up to and including March 27, 2023, within which to confer with the parties and report back to the Commission on an updated proposed deadline for statements of position if the parties fail to reach a unanimous, comprehensive settlement agreement.

4. The evidentiary hearing scheduled for March 20-22, 2023, is vacated.

5. Consistent with the discussion above, the evidentiary hearing is rescheduled as follows:

DATES:	April 6, 2023, through April 7, 2023
TIMES:	9:00 A.M. until concluded, but no later than 5:00 p.m. each day
LOCATION:	Commission Hearing Room (Webcast)

6. Public Service’s request to waive response time to the Unopposed Motion is granted.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING  
March 15, 2023.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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ATTEST: A TRUE COPY

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Commissioners

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,  
Interim Director