

Decision No. C23-0572

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23D-0162E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO'S VERIFIED PETITION FOR DECLARATORY RULING REGARDING TREATMENT OF REVENUE DECOUPLING ADJUSTMENT PILOT ("RDA PILOT") BALANCES.

**INTERIM COMMISSION DECISION GRANTING THE
MOTION TO MODIFY THE PROCEDURAL SCHEDULE
AND HOLD PROCEEDING IN ABEYANCE AND WAIVER
OF RESPONSE TIME**

Mailed Date: August 28, 2023
Adopted Date: August 23, 2023

I. BY THE COMMISSION

A. Statement

1. This Decision grants the unopposed motion to modify the procedural schedule and hold proceeding in abeyance (Motion) filed by Public Service Company of Colorado (Public Service or the Company) on August 21, 2023, holds the Proceeding in abeyance indefinitely, and waives response time to the Motion.

B. Background

2. On March 31, 2023, Public Service filed a Petition for Declaratory Order (Petition) seeking a determination from the Commission regarding the proper treatment of deferred balances associated with the Company's Revenue Decoupling Adjustment (RDA) Pilot and specifically the treatment of the \$49.9 million in a Residential RDA Deferral created in 2021.

3. By Decision No. C23-0245-I, issued on April 17, 2023, the Commission accepted the Petition and established a period for notice, interventions, and responses to the procedural schedule proposed by Public Service.

4. By Decision No. C23-324-I, issued on May 16, 2023, the Commission established Staff of the Colorado Public Utilities Commission (Staff) and the Colorado Office of the Utility Consumer Advocate (UCA) as parties to this Proceeding. Decision C23-324-I also approved a procedural schedule, including that Public Service's initial brief shall be filed no later than September 1, 2023; response briefs shall be filed no later than October 2, 2023; and Public Service's reply brief shall be filed no later than October 20, 2023.

C. Motion for Abeyance of the Proceeding

5. On August 21, 2023, the Company filed its Motion, requesting that the Commission modify the procedural schedule set by Decision No. C23-0483-I¹ and hold this Proceeding in abeyance pending the resolution of Proceeding No. 22AL-0530E² (Phase I Rate Case). The Motion also requests the Commission waive response time to the Motion.

6. Public Service asserts that this Motion is unopposed and that both Staff and UCA support the Motion.

7. Public Service asserts that the settlement agreement orally approved by the Commission on August 16, 2023, in the Phase I Rate Case (Settlement Agreement), resolves the dispute at issue in this Proceeding. Pursuant to the Settlement Agreement in the Phase I Rate Case, the parties agree that the RDA deferrals remaining after the two-year deferral period provided for

¹ We construe the Company's motion to request a modification of the procedural schedule established by Commission Decision No. C23-324-I, which established the procedural schedule for this Proceeding No. 23D-0162E.

² We construe the Company's motion to request a modification of the procedural schedule until the conclusion of Proceeding No. 22AL-0530E.

under the RDA Pilot Tariff will offset other deferred balances that will accrue after January 1, 2023. Under the Settlement, the value of such RDA deferrals will be credited to the Residential and Small Commercial classes, as applicable, occurring at the time the Company establishes new base rates in its next electric Phase I rate case.

8. The Company asserts that good cause exists, pursuant to Rule 1003(a) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, to grant the Company's request to hold this Proceeding in abeyance pending the final resolution of the Phase I Rate Case. It argues that holding this matter in abeyance in the interim promotes more effective implementation of overall policy by avoiding unnecessary briefing and submissions.

D. Findings and Conclusions

9. Pursuant to Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, a responding party "shall have 14 days after service of the motion ... in which to file a response." However, Rule 1308(c), 4 CCR 723-1, permits the Commission to "shorten or waive response time to a motion upon motion of a party or on its own motion upon a finding that time is of the essence.... The Commission can act immediately where response time is waived and after expiration of the shortened response time." We find that it is appropriate to waive response time to this Motion because Public Service states that both parties to this Proceeding are in support of the Motion and because the deadline for Public Service's initial brief is September 1, 2023. The Commission therefore waives response time to the Motion.

10. We also find good cause to grant Public Service's Motion. Pursuant to Rule 1003(a) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, the Commission can, for good cause shown, grant waivers or variances from requirements contained in Commission decisions. Here we find good cause to grant the request to hold this Proceeding in abeyance in order to act

efficiently and ensure that there is a controversy or uncertainty before continuing. We therefore order this Proceeding to be held in abeyance and for the procedural deadlines set by Decision No. C23-324-I to be vacated.

II. ORDER

A. The Commission Orders That:

1. The unopposed motion to modify the procedural schedule and hold proceeding in abeyance filed by Public Service Company of Colorado (Public Service or the Company) on August 21, 2023, is granted, consistent with the discussion above.

2. The deadlines established in Decision No. C23-324-I, issued on May 16, 2023, are vacated.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 23, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners