

Decision No. R23-0615-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23D-0371E

IN THE MATTER OF THE CITY AND COUNTY OF DENVER'S PETITION FOR DECLARATORY ORDER REGARDING COMPENSATION FOR 2020-21 SOLAR REWARDS COMMUNITY-BASED PROJECTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
SETTING REMOTE PREHEARING CONFERENCE,
REQUIRING CONFERRAL, AND ORDERING DENVER
TO FILE CONFERRAL REPORT**

Mailed Date: September 15, 2023

I. STATEMENT

A. Background

1. On July 17, 2023, the City and County of Denver (Denver) filed the Petition for Declaratory Order (Petition) that initiated this proceeding. The Petition requests direction on the application of a renewable energy credit (REC) multiplier for community-based projects to Solar*Reward Community incentives under the 2020-2021 Renewable Energy Compliance Plan for Public Service Company of Colorado (Public Service) considered in Proceeding No. 19A-0369E, and specifically as discussed in Decision No. R20-0099 (Recommended Decision). If the Commission agrees with Denver's interpretation of the multiplier as discussed in the Petition, Denver asks that the Commission order Public Service to compensate producers of community-based projects for the 2020 Standard Offer based on RECs supplied to the Company

and to update producer agreements for its 2020 Solar*Rewards Community Standard Offer project on a going-forward basis.

2. On August 7, 2023, the Commission issued Decision No. C23-0516-I that accepted the Petition, issued notice of the Petition, and set a 30-day intervention period, and referred the proceeding to an Administrative Law Judge (ALJ) by minute entry. The proceeding was subsequently assigned to the undersigned ALJ. The 30-day intervention period ends on September 6, 2023.

3. On August 16, 2023, Public Service Company of Colorado (Public Service) filed a Notice of Intervention by Right or Alternative Motion for Permissive Intervention (Notice/Alternative Motion).

4. On September 6, 2023, Trial Staff of the Commission filed a Notice of Intervention as of Right, Entry of Appearance, and Request for Hearing.

B. Remote Prehearing Conference

5. It is appropriate to hold a remote prehearing conference in this proceeding. Accordingly, a remote prehearing conference shall be scheduled for October 4, 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

6. The ALJ will order Denver to confer with the other parties in advance of the remote prehearing conference regarding a schedule for this proceeding and whether an evidentiary hearing is necessary. If one or more parties believes an evidentiary hearing is

necessary, the parties will confer regarding one or more dates for the hearing, 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 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.

7. Denver shall file a report of the results of the conferral. If there is agreement on the issues described above, the report shall state as much and detail the stipulated procedural schedule, including discovery procedures and/or the method for conducting the hearing if the parties agree that an evidentiary hearing is necessary. 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. If the parties disagree about the need for an evidentiary hearing, Denver shall describe in the Conferral Report the positions of the parties on that question, including a description of the genuine issue(s) of fact that are material to the declaratory relief sought in the Petition. The parties are on notice that the ALJ will retain the discretion to change the method by which any hearing will be conducted.

8. The parties are urged to review the Commission's public calendar to identify suitable days for a hearing in this proceeding (as necessary) and propose more than one date or consecutive dates for the hearing.

9. The deadline for Public Service to file the report is September 27, 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 Notice of Intervention by Right filed by Public Service Company of Colorado (Public Service) on August 16, 2023, and the Notice of Intervention as of Right, Entry of Appearance, and Request for Hearing filed by Trial Staff of the Commission (Staff) on September 6, 2023, are acknowledged.

2. The parties in this proceeding are the City and County of Denver, Public Service, and Staff.

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

DATE: October 4, 2023

TIME: 1:30 p.m.

WEBCAST: Commission Hearing Room

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

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

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. The City and County of Denver shall file the report of the conferral identified above on or before September 27, 2023.

6. 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 black ink that reads 'Rebecca E. White'.

Rebecca E. White,
Director