

Decision No. R23-0638-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
ACKNOWLEDGING INTERVENTIONS, ADOPTING
PROCEDURAL SCHEDULE, PROVIDING INSTRUCTIONS
CONCERNING EXHIBITS, AND SCHEDULING
EVIDENTIARY HEARING**

Mailed Date: September 21, 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 July 5, 2023, the Commission issued a Notice of Application Filed (Notice) establishing deadlines for the filing of intervention pleadings. Interested persons were ordered to file motions to intervene within 30 days. Staff of the Public Utilities Commission (Staff) had seven

additional days to file a notice of intervention of right. The Notice also stated that Public Service had filed testimony with its Application and was seeking a Commission decision within 120 days.

3. On July 10, 2023, the Office of the Utility Consumer Advocate (UCA) filed its timely Notice of Intervention as a Matter of Right, Requests for Hearing, and Entry of Appearances of the Office of the Utility Consumer Advocate. On August 7, 2023, Staff filed its timely Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing.

4. On August 9, 2023, the Commission deemed the Application complete by minute entry and referred it to an Administrative Law Judge (ALJ).

II. FINDINGS AND CONCLUSIONS

A. Interventions

5. The Interventions of Right filed by both the UCA and Staff are acknowledged. Therefore, the parties to this proceeding are Public Service, the UCA, and Staff.

B. Procedural Schedule

6. The parties informally proposed a procedural schedule to govern this proceeding, which all parties have agreed upon:

<u>Procedural Event</u>	<u>Due Date(s)</u>
Answer Testimony Due	October 13, 2023
Rebuttal and Cross-Answer Testimony Due	November 9, 2023
Deadline for Settlements and Stipulations	November 20, 2023

<p>Settlement Testimony Due (If there is no unopposed comprehensive settlement, parties must file cross-examination matrix, corrections to pre-filed testimony & exhibits, and any pre-hearing motions.)</p>	<p>November 29, 2023</p>
<p>Evidentiary Hearing (If a settlement agreement is filed, a Settlement Hearing, if required by the ALJ, would be held on one or both of these dates.)</p>	<p>December 4-5, 2023</p>
<p>Statements of Position Due</p>	<p>December 22, 2023</p>

7. The proposed schedule is reasonable and will be adopted as ordered below. Should any party find that a prehearing conference is needed for any reason, one may be scheduled at a later date.

C. Remote Evidentiary Hearing and Instructions Concerning Exhibits

8. The evidentiary hearing in this proceeding will be held as a remote hearing with participation by video-conference. This Decision, Attachment A, and Attachment B provide important information and instructions to facilitate holding the remote hearing, which all parties must follow.

9. Given that the hearing will implement remote participation by video-conference, exhibits must be presented electronically.

10. The procedures developed for the remote evidentiary hearing are intended to replicate, as practicable, evidence presentation as it occurs when parties and witnesses are present in the hearing room. For example, participating by video-conference allows parties and witnesses to view exhibits on the video-conference screen while the exhibits are being offered into evidence and witnesses testify about them.

11. The evidentiary hearing will be conducted via video-conference using the Zoom platform. Attachment A to this Decision provides information about the Zoom platform and how to use Zoom to participate in the remote hearing. To minimize the potential that the remote hearing may be disrupted by non-participants, the link and meeting ID, or access code, to attend the hearing will be provided to the parties by email before the hearing, and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

12. Attachment B outlines procedures and requirements for marking and formatting exhibits aimed at facilitating efficient and smooth electronic evidence presentations at the remote hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

13. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Public Service is assigned hearing exhibit numbers 100 to 199;
- The UCA is assigned hearing exhibit numbers 200 to 299; and
- Staff is assigned hearing exhibit numbers 300 to 399.

D. Additional Procedural Notices and Advisements

14. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

15. Additional procedural requirements may be addressed in future Interim Decisions.

16. **All parties are advised** that this proceeding is governed by the Rules of Practice and Procedure found at CCR 723-1. The ALJ expects the parties to comply with these rules. The

rules are available on the Commission’s website (<http://puc.colorado.gov/pucrules>) and in hard copy from the Commission.

17. Each party is specifically advised that all filings with the Commission must also be served upon all other parties in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 CCR 723-1.

III. ORDER

A. It Is Ordered That:

1. The Interventions of Right filed by the Office of the Utility Consumer Advocate (UCA) and Trial Staff of the Public Utilities Commission (Staff) are acknowledged. The parties to this proceeding are Public Service Company of Colorado (Public Service), the UCA, and Staff.

2. The following procedural schedule is adopted to govern this proceeding:

<u>Procedural Event</u>	<u>Due Date(s)</u>
Answer Testimony Due	October 13, 2023
Rebuttal and Cross-Answer Testimony Due	November 9, 2023
Deadline for Settlements and Stipulations	November 20, 2023
Settlement Testimony Due (If there is no unopposed comprehensive settlement, parties must file cross-examination matrix, corrections to pre-filed testimony & exhibits, and any pre-hearing motions.)	November 29, 2023
Evidentiary Hearing (If a settlement agreement is filed, a Settlement Hearing, if required by the ALJ, would be held on one or both of these dates.)	December 4-5, 2023
Statements of Position Due	December 22, 2023

3. An evidentiary hearing in this proceeding is scheduled as follows:

DATES: December 4-5, 2023

TIME: 9:00 a.m. each day

PLACE: Join by video conference using Zoom.

4. The parties shall be held to and shall comply with the requirements in this Decision.

In addition to other requirements of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony), all pre-filed exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

5. 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