

Decision No. R23-0674-I

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

PROCEEDING NO. 23A-0330E

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IN THE MATTER OF APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A NON-STANDARD EDR CONTRACT, AND FOR DETERMINATION NO CPCN IS NEEDED FOR CUSTOMER-FUNDED TRANSMISSION FACILITIES.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
G. HARRIS ADAMS  
WAIVING OF RESPONSE TIME AND AMENDING  
PROCEDURAL SCHEDULE AND DISCOVERY  
DEADLINES**

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Mailed Date: October 9, 2023

**I. STATEMENT**

**A. Procedural Background**

1. On June 23, 2023, Public Service Company of Colorado (Public Service or the Company) filed an Application for Approval of a Non-Standard Economic Development Rate (EDR) Contract, and for Determination No Certificate of Public Convenience and Necessity (CPCN) is Needed for Customer-Funded Transmission Facilities (Application).

2. By Decision No. C23-0472-I, issued on July 21, 2023, the Commission deemed the Application complete, referred the matter to an Administrative Law Judge (ALJ) for a Recommended Decision, among other findings.

3. On July 26, 2023, by Decision No. R23-0479-I, the undersigned ALJ noted the interventions of right by several parties and granted the permissive interventions of several parties. The parties to this Proceeding are the Company, the Office of the Utility Consumer Advocate

(UCA), Staff of the Public Utilities Commission (Staff), QTS Aurora Infrastructure, LLC (QTS), Colorado Energy Consumers (CEC), and Climax Molybdenum Company (Climax).

4. On August 1, 2023, the Unopposed Motion of Public Service Company of Colorado to Approve Consensus Procedural Schedule and Request for Waiver of Response Time (Unopposed Motion) was filed. The Unopposed Motion stated that all parties had agreed to a consensus procedural schedule and requested a fully remote evidentiary hearing and a waiver of response time.

5. By Decision No. R23-0524-I, issued August 8, 2023, the below procedural schedule as adopted:

Event(s)	Date(s)
Answer Testimony	September 22, 2023
Rebuttal and Cross-Answer Testimony	October 20, 2023
Settlements and Stipulations	October 30, 2023
Settlement Testimony or Cross-Exam Matrix, Exhibits, Corrections to Pre-filed Testimony and Pre-Hearing Motions	November 3, 2023
Evidentiary Hearing or Settlement Hearing	November 16, 17, and 20, 2023
Statements of Position	December 6, 2023

6. Also by Decision No. R23-0524-I, procedures for exhibits and for discovery were established to govern this Proceeding.

7. On September 28, 2023, the Unopposed Motion to Amend Procedural Schedule and Discovery Deadlines and for Waiver of Response Time (Unopposed Motion to Amend) was filed by the Company. In the Unopposed Motion to Amend, the Company explains that Staff filed the

Answer Testimony of Fiona Sigalla, Hearing Exhibit 300, on September 22, 2023, but the file could not be opened by the Company or any other party. Counsel for Staff notified counsel for the Parties of the issue that same day.

8. The Company states that also on September 22, counsel for the Company responded to counsel for Staff and asked for a pdf copy of the filing to be emailed to the parties. Counsel for Staff did not respond to this email or subsequent follow-up emails and phone calls until the evening of September 25, 2023. On September 25, 2023, counsel for Staff indicated he would serve the Company a copy of the testimony on the morning of September 26, 2023. However, counsel for Staff did not provide copies of the testimony until the late afternoon of September 26, 2023.

9. Due to the delays in receiving the testimony, the Company lost four days in preparing its rebuttal case and discovery related to the testimony, and the Company bears no fault for the delay. Therefore, the Company requests amending the procedural schedule to account for this delay. The Company states that it has conferred with all the parties, and all agree to a consensus amendment to the procedural schedule.

10. Specifically, the Company seeks to move back the rebuttal and cross-answer testimony deadline back by four days, or from October 20 to October 24, 2023, and to modify the time to serve responses to discovery requests regarding rebuttal or cross-answer testimony to seven calendar days, rather than business days. The Company seeks to leave the remainder of the procedural dates the same.

11. Finally, because the Unopposed Motion to Amend is unopposed, the parties request that response time be waived.

12. Based upon good cause shown for the unopposed requests, it is appropriate that response time be waived, and the procedural schedule be amended. The parties have until October

24, 2023, to file rebuttal and cross-answer testimony and will have seven calendar days, rather than seven business days, to serve responses to discovery requests regarding rebuttal or cross-answer testimony.

**II. ORDER**

**A. It Is Ordered That:**

1. Response time to the Unopposed Motion to Amend Procedural Schedule and Discovery Deadlines and for Waiver of Response Time (Unopposed Motion to Amend) is waived and the request is granted, consistent with the discussion above.

2. The deadline for the filing of rebuttal and cross-answer testimony is amended to October 24, 2023.

3. The parties will have seven calendar days to serve responses to any discovery requests regarding rebuttal or cross-answer testimony.

4. The remaining procedural schedule in this matter remains unchanged.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

G. HARRIS ADAMS

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,  
Director