

Decision No. R24-0323-I

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

PROCEEDING NO. 23A-0589EG

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS COMBINED ELECTRIC AND NATURAL GAS DEMAND-SIDE MANAGEMENT AND BENEFICIAL ELECTRIFICATION PLAN FOR CALENDAR YEARS 2024-2026.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
PROVIDING NOTICE PER § 40-6-109.5(4), C.R.S.**

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Mailed Date: May 9, 2024

**I. STATEMENT, SUMMARY AND BACKGROUND**

**A. Summary**

1. This Decision provides notice that during the evidentiary hearing on May 15, 2024, the Administrative Law Judge (ALJ) will hear from the parties as to whether extraordinary conditions exist to warrant extending the deadline for a final Commission decision to issue in this Proceeding per § 40-6-109.5(4), C.R.S.

**B. Procedural History<sup>1</sup>**

2. On December 1, 2023, Public Service Company of Colorado (Public Service or the Company) filed the above-captioned Application with testimony and attachments. Since then, the Commission referred this matter for disposition to an ALJ, who established procedural deadlines and scheduled a five-day fully remote evidentiary hearing starting on May 13, 2024.<sup>2</sup>

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<sup>1</sup> Only the procedural history necessary to understand this Decision is included.

<sup>2</sup> Decision Nos. C24-0054-I (mailed January 23, 2024) and R24-0086-I (mailed February 9, 2024).

3. In addition to the Company, the following entities are parties to this Proceeding: the Colorado Public Utilities Commission Trial Staff, the Colorado Energy Office, the Colorado Office of the Utility Consumer Advocate, the City of Boulder, Western Resource Advocates, Natural Resources Defense Council, the Sierra Club, Southwest Energy Efficiency Projects, the City and County of Denver, Energy Outreach Colorado, Energy Efficiency Business Coalition, Clean Energy Economy for the Region, Climax Molybdenum Company, Colorado Energy Consumers, and Iconergy LTD.<sup>3</sup>

4. The parties have filed voluminous written testimony and other exhibits consistent with the procedural deadlines established by Decision No. R24-0086-I.

5. The parties have not reached a settlement in this Proceeding, and thus, it is fully contested.

## **II. FINDINGS AND DISCUSSION**

6. Under § 40-6-109.5(4), C.R.S., the Commission may extend the deadline to issue a final decision by an additional 130 days after notice and a hearing at which the existence of extraordinary conditions is established.

7. The record in this Proceeding is already significant, with lengthy and voluminous direct, supplemental direct, answer, cross-answer, and rebuttal testimonies. This is due in part to the fact that there are 16 parties in this Proceeding, and the proposed Demand-Side Management and Beneficial Electrification Plan accompanying the Application is 633 pages long. With a five-day evidentiary hearing, the record will expand from here. More importantly, this Proceeding presents voluminous contested issues, many involving complex technical questions. And some of

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<sup>3</sup> Decision No. R24-0086-1 at 23 (mailed February 12, 2024).

these issues implicate an ongoing Commission proceeding, that is, the Company's Clean Heat Plan Proceeding, No. 23A-0392EG (Clean Heat Proceeding). The already significant nature of the record, the voluminous complex contested issues, and the potential interdependency with the Clean Heat Proceeding raise concerns with the Commission's ability to issue a final decision within the current statutory deadline.

8. As such, during the evidentiary hearing, the ALJ will hear from the parties as to whether extraordinary conditions exist to warrant extending the statutory deadline per § 40-6-109.5(4), C.R.S. The ALJ will take this issue up at 9:00 a.m. on May 15, 2024. This allows the parties time to prepare for and address this issue. Should the parties reach an agreement on this question, they may present this during the evidentiary hearing at any time before the May 15, 2024 hearing date.

### **III. ORDER**

#### **A. It Is Ordered That:**

1. The parties are on notice that during the evidentiary hearing scheduled for May 15, 2024 at 9:00 a.m., the Administrative Law Judge will hear from the parties as to whether extraordinary conditions exist to warrant extending the deadline for a final Commission decision to issue in this Proceeding, per 40-6-109.5(4), C.R.S. Should the parties reach an agreement on this issue, they may present this during the evidentiary hearing at any time before the May 15, 2024 hearing date.

2. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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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