

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

PROCEEDING NO. 24A-0327E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER APPROVING EXPENSES INCURRED FOR THE PERIOD JANUARY 2023 THROUGH DECEMBER 2023 THAT ARE RECOVERED THROUGH THE ELECTRIC COMMODITY ADJUSTMENT AND PURCHASED CAPACITY COSTS RECOVERED THROUGH THE PURCHASED CAPACITY COST ADJUSTMENT FOR THE SAME PERIOD AND APPROVING THE CALCULATION OF 2023 SHORT TERM SALES MARGINS.

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**INTERIM DECISION SCHEDULING HEARING,  
ESTABLISHING PROCEDURAL SCHEDULE,  
EXTENDING DEADLINE FOR FINAL DECISION, AND  
ADDRESSING OUTSTANDING MOTIONS**

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Issued Date: September 23, 2024

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**I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY**

**A. Statement and Summary**

1. This Decision waives the remaining response time to Public Service Company of Colorado’s (“Public Service” or “the Company”) Unopposed Motion to Approve Consensus

Procedural Schedule and Request for Waiver of Response Time filed September 19, 2024 (“Motion to Approve Schedule”); grants the Motion; schedules a fully remote evidentiary hearing for January 9 and 10, 2025; establishes a procedural schedule and procedures to accommodate that hearing; extends the deadline for a final decision to issue; and addresses outstanding motions.

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

2. On August 1, 2024, Public Service filed the above-captioned Application with supporting testimony and other exhibits. At the same time, Public Service filed a Motion for Extraordinary Protection (“Motion” or “Motion for Extraordinary Protection”) with attachments.

3. Also on August 1, 2024, the Commission issued a Notice of the Application establishing a 30-day deadline to file interventions for everyone except Colorado Public Utilities Commission Trial Staff (“Staff”), who was given an additional seven days to intervene.

4. On August 21, 2024, Public Service filed a Notice of Supplemental Filing (“Notice”) and unredacted exhibits for which it seeks extraordinary protection via the Motion.

5. On August 27, 2024, the Colorado Solar and Storage Association (“COSSA”) filed a non-disclosure agreement.

6. On August 28, 2024, the Office of the Utility Consumer Advocate (“UCA”) filed an Intervention as a Matter of Right, Request for Hearing, Entry of Appearances (“UCA’s Intervention”).

7. On September 3, 2024, Staff filed a Notice of Intervention as of Right of the Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing (“Staff’s Intervention”).

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

8. On September 11, 2024, during its weekly meeting, the Commission deemed the Application complete, per § 40-6-109.5, C.R.S., and referred this matter to an administrative law judge (“ALJ”) for disposition.

9. The undersigned ALJ was subsequently assigned to this Proceeding. The ALJ informally directed Public Service to confer with all parties who filed an intervention on a procedural schedule and to file a proposed consensus procedural schedule by September 19, 2024.

10. On September 19, 2024, the Company filed the Motion to Approve Schedule.

11. No one filed a response to the Company’s Motion for Extraordinary Protection or Staff’s and the UCA’s Interventions.

## **II. DISCUSSION AND FINDINGS**

### **A. Interventions**

12. Per Rule 1401(e), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission’s Rules of Practice and Procedure, Staff may intervene of right in any Commission proceeding. Any other person or entity wishing to intervene of right must identify the basis for the legally protected right that may be affected by the proceeding.<sup>2</sup> The person or entity seeking to intervene bears the burden of proof that it has met the intervention standards and should be permitted to intervene.<sup>3</sup>

13. If a party does not file a response to a motion within the time prescribed for a response, the Commission may deem that failure as confessing the motion.<sup>4</sup>

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<sup>2</sup> Rule 1401(b) and (e), 4 CCR 723-1.

<sup>3</sup> Rule 1401(b), 4 CCR 723-1.

<sup>4</sup> Rule 1400(d), 4 CCR 723-1.

14. As noted above, the Company did not make filings responding to Staff's and the UCA's Interventions. As such, the ALJ deems Staff's and the UCA's Interventions confessed, and therefore, unopposed.<sup>5</sup>

15. Given that Staff is permitted by Commission Rule 1401(e) to intervene of right in any Commission proceeding and because Staff's Intervention is unopposed, Staff is acknowledged as a party to this Proceeding.<sup>6</sup>

16. In support of its Intervention (of right), the UCA states that the Application implicates constituencies that the UCA is statutorily responsible to represent, including the Company's residential, agricultural, and small business customers.<sup>7</sup> The UCA identifies numerous issues that it wishes to address, and requests a hearing on the Application.<sup>8</sup> Because the UCA's Intervention is unopposed, and based on the information in its Intervention, the UCA is acknowledged as a party to this Proceeding.

17. The ALJ notes that although COSSA filed a non-disclosure agreement, it did not file a motion seeking to intervene in this matter. Given that the time to do so has elapsed, and COSSA has made no other filings in this Proceeding, COSSA is not a party.

#### **B. Motion for Extraordinary Protection**

18. Rule 1101(b) requires that a motion seeking extraordinary protection of highly confidential information include: a detailed description of the information to be protected; state the specific relief sought and grounds therefor; advise the parties of the request and the subject matter of the information at issue; establish that the information at issue is highly confidential and that highly confidential protection is necessary because rules providing protection for confidential

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<sup>5</sup> See *id.*

<sup>6</sup> Rule 1401(e), 4 CCR 723-1.

<sup>7</sup> UCA's Intervention at 2, citing § 40-6.5-104(1) and (2), C.R.S.

<sup>8</sup> *Id.* at 2-4.

information offer insufficient protection; be accompanied by a proposed nondisclosure agreement and an affidavit with names of all persons who have access to the information and the timeframe for protection; and either file the highly confidential information or establish why doing so would be overly burdensome, impractical or too sensitive for disclosure.<sup>9</sup>

19. The Motion seeks extraordinary protection for competitively sensitive information relating to:

- hourly and unit-level datasets for load and generation for 2023; interchange energy; energy sales/exports and purchases/imports; system lambda and joint dispatch sales and purchases; all resources used to serve system load, including owned fossil and renewable generation, power purchase agreements (“PPAs”), purchases and sales, and any other load-serving resources; and estimated renewable curtailment volumes (in Hearing Exhibit 102, Attachment MGS-1);
- unit-level annual equivalent availability percentages and complete Generation Availability Data System (“GADS”) data and unit-level Equivalent Availability Factor (“EAF”) percentages for the Company’s owned fossil generation resources for the prior year and Annual Equipment Equivalent Availability Factor excluding Outside Management Control (“xEEAF”), GADS data consistent with available North American Reliability Corporation reporting requirements, a comparison of forecasted generation to actual production complete GADS data and xEEAF for Company-owned renewable resources, and a comparison of forecasted annual generation to actual production for those same Company-owned renewable resources (in Hearing Exhibit 103, Attachment HDH-1).
- information subject to confidentiality clauses in PPAs to which the Company is a party, including: (1) the facility and contract name; (2) the type of generator; (3) the nameplate capacity of the facility; (4) the actual generation by year, and (5) the committed energy per the PPA by year; (4) workpapers supporting Hearing Exhibit 102, Attachment MGS-1, and Hearing Exhibit 103, Attachments HDH-1 and 3; (5) any other information protected by a confidentiality clause of an existing PPA; and (6) any other documents or information, including that to be produced in discovery or testimony, that could be used to derive the information contained in those same Exhibit Attachments, or protected by an existing PPA’s confidentiality clause;
- Hearing Exhibit 103, Attachment HDH-3 and the PPA vs. Owned Wind Capacity Factor Analysis;
- Workpapers supporting Hearing Exhibit 102, Attachment MGS-1 and Hearing Exhibit 103, Attachments HDH-1 and 3;

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<sup>9</sup> Rule 1101(b), 4 CCR 723-1

- Any other documents or information that could be used to derive the information contained in the above Hearing Exhibit Attachments; and
- Any other future disclosures including the above highly confidential information, in whatever form (including testimony whether oral or written).<sup>10</sup>

20. The Company requests that access to the above highly confidential information be limited to the Commission (including Commissioners, ALJs, their attorneys and their advisory staff); and Staff, the UCA, and their counsel who execute a non-disclosure agreement.<sup>11</sup> The Company requests that the highly confidential information be destroyed or returned to it once this Proceeding is concluded.<sup>12</sup>

21. With its Motion, the Company filed a proposed form nondisclosure agreements as Attachments A and B, and an Affidavit as Attachment C. The Affidavit identifies those with access to the highly confidential information, and requests that the information be protected indefinitely.<sup>13</sup>

22. In response to Rule 1101(b)(VII)'s requirement to file highly confidential information for which it seeks protection, the Company states that it filed the highly confidential information in the referenced Exhibit Attachments as part of its direct case, and as such, does not refile those with the Motion.<sup>14</sup> Given this, to the extent necessary, the ALJ waives Rule 1101(b)(VII), 4 CCR 723-1, for purposes of the Motion for Extraordinary Protection.

23. In support of its argument that the highly confidential information should receive extraordinary protection, the Company submits that the Commission has previously granted similar protections in prior proceedings, including Proceeding Nos. 23A- 0394E and 23A-0046E

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<sup>10</sup> Motion for Extraordinary Protection at 1-4.

<sup>11</sup> *See id.* at 2-3.

<sup>12</sup> *Id.* at 11.

<sup>13</sup> Attachment C to Motion for Extraordinary Protection at 1-2.

<sup>14</sup> Motion for Extraordinary Protection at 11.

and has repeatedly recognized that it is appropriate to protect competitively sensitive information from disclosure to potential competitors.<sup>15</sup>

24. The Company explains that the Commission granted protection for the categories of information in Hearing Exhibit 102, Attachment MGS-1 and Hearing Exhibit 103, Attachment HDH-1 in Proceeding No. 21A-0370E, and in each of the Company's subsequent ECA annual prudence reviews, most recently in Proceeding No. 23A-0394E.<sup>16</sup>

25. The Company submits that the Commission has also previously granted extraordinary protection for similar information in the electric resource planning ("ERP") context, where it has consistently found that information protected by PPAs' confidentiality clauses and unit-level and hourly operational data is eligible for such treatment.<sup>17</sup> Specifically, Public Service states that in its ERP proceedings, the Commission has afforded extraordinary protection to several categories of sensitive plant and system operations data such as unit-level delivered fuel costs, unit-level heat rate curves, unit detailed maintenance schedules, and hourly market price data, finding that disclosure of this information could harm the Company's power purchasing and trading operations to the detriment of customers.<sup>18</sup> The Company states that in those same ERP proceedings, the Commission also granted extraordinary protection for any information protected by a PPA confidentiality clause (including, for certain agreements, data related to the power

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<sup>15</sup> *Id.* at 8 citing, for example, Decision No. R18-1040-I (issued November 20, 2018), Decision No. R18-0955-I (issued October 25, 2018), Decision No. R18-0545-I (issued July 11, 2018), Decision No. R10-1071-I (issued September 30, 2010) and *see also Public Serv. Co. of Colo. v. Trigen-Nations Energy Co., L.L.P.*, 982 P.2d 316 (Colo. 1999). The Company does not specify the Proceeding numbers in which these Decisions were issued.

<sup>16</sup> *Id.* citing Decision No. R21-0575-I at ¶¶ 10-16 (issued September 14, 2021), Proceeding No. 21A-0370E; Decision No. R23-0697-I at ¶¶ 28-37 (issued October 24, 2023), Proceeding No. 23A-0394E.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 8-9, citing Decision No. C21-0343-I, at ¶¶ 6, 10, 13-14 (issued June 11, 2021), Proceeding No. 21A-0141E; Decision No. C16-0663-I, at ¶¶ 58, 63-64 (issued July 15, 2016), Proceeding No. 16A-0396E; Decision No. C11-1391, at ¶¶ 13-15, 18 (issued January 3, 2012), Proceeding No. 11A-869E.

producer's performance under the PPA).<sup>19</sup> Public Service states that data for which it seeks extraordinary protection in Hearing Exhibit 102, Attachment MGS-1HC and Hearing Exhibit 103, Attachment HDH-1HC is similar in nature to the operational data protected in the ERP proceedings, and includes more extensive and detailed operational data than Public Service was required to file in those proceedings.<sup>20</sup>

26. The Company also states that the highly confidential information at issue includes competitively sensitive PPA information and a variety of highly granular plant and systems operations data.<sup>21</sup> The Company argues that publicly disclosing the terms and conditions of PPAs may cause it and its counterparts competitive harm, and negatively impact its negotiating position for future PPAs, particularly those being implemented in other proceedings.<sup>22</sup>

27. Public Service explains that publicly disclosing the hourly data related to short-term transactions and real-time system management (in Hearing Exhibit 102, Attachment MGS-1), may negatively impact the Company's competitive position in the wholesale energy market.<sup>23</sup> Similarly, the Company asserts that publicly disclosing the complete GADS and EAF data, detailed information on unit-level performance, and detailed maintenance, repair, and outage records for Public Service's owned generating units (in Hearing Exhibit 103, Attachment HDH-1), may also cause it competitive harm.<sup>24</sup> As to Hearing Exhibit 103, Attachment HDH-3, the Company states that it is contractually bound to keep certain terms and conditions of existing PPAs

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<sup>19</sup> *Id.* at 9.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 7.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

confidential, (absent a Commission order to the contrary).<sup>25</sup> The Company's request includes PPAs in which it has committed to the power producer to keep confidential various data with respect to the performance by the producer under the PPA and other projects to which the producer is a party, even though the PPA itself may be public.<sup>26</sup>

28. Because no party filed a response to the Company's Motion for Extraordinary Protection, and the time to do so has elapsed, the ALJ deems the Company's Motion confessed and unopposed.<sup>27</sup>

29. Based on the information in the Company's Motion (discussed in detail above), and because the Motion is unopposed, the ALJ grants the Motion for Extraordinary Protection and affords extraordinary protection for the referenced highly confidential information. To be clear, this protection extends to executable versions of the relevant documents, and any other disclosure of the same information in whatever format. The Company must ensure that filings (particularly exhibits and attachments) to which extraordinary protection is afforded comply with the identification and filing requirements in Attachment B to this Decision.<sup>28</sup>

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<sup>25</sup> *Id.* Here, the Motion refers to "Attachment HDH-2." *Id.* However, this is the only reference to this Attachment in the Motion. All other references in the Motion to the relevant information are to Attachment HDH-3 (which is attached to Hearing Exhibit 103). *See id.* at 2, 4, 6. As such, the ALJ construes the reference to Attachment HDH-2 to be to Hearing Exhibit 103, Attachment HDH-3.

<sup>26</sup> *Id.* at 7.

<sup>27</sup> *See* Rule 1400(b) and (d), 4 CCR 723-1.

<sup>28</sup> To date, at least one of those filings fails to comply with these requirements. For example, on August 1, 2024, the Company filed and marked "Hearing Exhibit 103, Attachment HDH-1 Public Version" which is inconsistent with the requirements in Attachment B. In addition, none of the Company's attachments to exhibits include any information on the nature of the attachment, which is also inconsistent with Attachment B.

**C. Procedural Schedule**

30. The Motion to Approve Schedule states that Staff and the UCA agree to the schedule proposed therein.<sup>29</sup> Because the Motion to Approve Schedule is unopposed, the Company asks that the response time to it be waived.<sup>30</sup>

31. The Motion to Approve Schedule proposes the following procedural schedule:

Event	Date or Deadline
Answer Testimony	October 25, 2024
Rebuttal & Cross-Answer Testimony	November 22, 2024
Settlement Agreement	December 6, 2024
Settlement Testimony	December 13, 2024
Non-Testimonial Exhibits	December 18, 2024
Corrections to Testimonial Exhibits	December 18, 2024
Joint Witness Examination Matrix	December 18, 2024
Exhibit and Witness Lists	December 18, 2024
Pre-Hearing Motions	December 20, 2024
Responses to Prehearing Motions	January 2, 2025
Hearing (Two Days)	January 9 and 10, 2025
Statements of Position	January 21, 2025 <sup>31</sup>

32. The Motion to Approve Schedule states that the parties agree that Rule 1405 of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 will govern discovery in this Proceeding and that the hearing should be held remotely.<sup>32</sup>

33. Because the Motion to Approve Schedule is unopposed, the ALJ finds good cause to waive the response time to it and does so.<sup>33</sup>

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<sup>29</sup> Motion to Approve Schedule at 1.

<sup>30</sup> *Id.* at 1-2.

<sup>31</sup> *Id.* at 2-3.

<sup>32</sup> *Id.* at 3.

<sup>33</sup> *See* Rule 1400(b), 4 CCR 723-1.

34. The ALJ finds that the requests for relief in the Motion to Approve Schedule are reasonable and appropriate. As such, the Motion to Approve Schedule is granted.

35. Attachment A hereto includes important technical information and requirements to facilitate accommodating remote hearing participation. Persons wishing to observe but not participate in the hearing are encouraged to observe the hearing via the Commission's webcast, rather than join the Zoom hearing. This will help minimize background noise and avoid issues that may arise should the ALJ need to hold confidential or highly confidential hearing session.

36. Attachment B includes information and requirements to facilitate electronic evidentiary presentations at the hearing. Many requirements in Attachment B apply to formatting, marking, and filing exhibits, and are critical to ensure a smooth evidentiary presentation. **Attachment B has been modified as compared to past proceedings to clarify numerous requirements that parties in prior proceedings have failed to follow. As such, parties must carefully review Attachment B to ensure their compliance.<sup>34</sup> Given the numerous warnings and directives that have gone unheeded in past proceedings involving the same parties in this case, if a party fails to comply with the requirements in Attachment B, the ALJ may schedule a prehearing conference to address these issues or may enter such other orders as necessary to ensure compliance.**

37. Examples of typical failures to comply that prompted clarifications to Attachment B include parties failing to: include the title of or a brief description of attachments to exhibits in exhibit lists; failed to title attachments to exhibits to include the title of the document (*i.e.*, the substantive nature of the attachment), but instead filed them solely with the exhibit and attachment

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<sup>34</sup> Any party who is uncertain as to whether they have correctly followed the required procedures may contact Casey Federico at [casey.federico@state.co.us](mailto:casey.federico@state.co.us) or Stephanie Kunkel at [stephanie.kunkel@state.co.us](mailto:stephanie.kunkel@state.co.us) to confirm that they have correctly followed the procedural requirements.

numbers; follow procedures for exhibits and attachments that include confidential or highly confidential information; and follow identification requirements for revised exhibits or attachments thereto.

38. These repeated errors have resulted in a tremendous waste of resources—both by Commission support staff, who have been forced to carefully review each filed exhibit and contact parties to point out errors—and by parties who have to reformat and refile exhibits, sometimes during the course of the evidentiary hearing. It has also created unnecessary confusion as to which exhibits will be offered into evidence, particularly when parties incorrectly number their exhibits, fail to correctly mark revised exhibits, or fail to file a public version of confidential or highly confidential exhibits.

39. To minimize the potential that the 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' counsel by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.<sup>35</sup> Counsel and the parties are responsible for ensuring that their witnesses receive the Zoom information needed to join the hearing.

40. *The parties are on notice* that consistent with Commission practice, friendly cross-examination will not be permitted during the evidentiary hearing.

**D. Deadline for Final Commission Decision**

41. Given the approved procedural schedule and the nature of the issues involved in this Proceeding, the ALJ finds that additional time is necessary for a final Commission decision to issue. As such, the ALJ extends the statutory deadline for a final Commission decision to issue by

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<sup>35</sup> Approximately one week before the hearing, counsel will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this proceeding. Counsel must ensure that the Commission has their most current email address.

130 days, as permitted by § 40-6-109.5(1), C.R.S. As noted above, the Commission deemed the Application complete on September 11, 2024. Based on the foregoing, the deadline for a final Commission decision is May 19, 2025.

**III. ORDER**

**A. It Is Ordered That:**

1. Consistent with the above discussion, Public Utilities Commission Trial Staff (“Staff”) and the Office of the Utility Consumer Advocate (“UCA”) are acknowledged as intervening parties in this Proceeding. As discussed, the Colorado Solar and Storage Association is not a party. As a result, the following entities are the parties to this Proceeding: Public Service Company of Colorado (“Public Service”), Staff, and the UCA.

2. Public Service’s Motion for Extraordinary Protection filed August 1, 2024 is granted consistent with the above discussion.

3. The deadline for a final Commission decision to issue in this Proceeding is extended by 130 days to May 19, 2025, per § 40-6-109.5(1), C.R.S.

4. The remaining response time to Public Service’s Unopposed Motion to Approve Consensus Procedural Schedule and Waiver of Response Time filed September 19, 2024 (“Motion”) is waived and the Motion is granted consistent with the above discussion, and as set forth below.

5. A fully remote evidentiary hearing on the above-captioned Application is scheduled as follows:

DATE: January 9 and 10, 2025  
TIME: 9:00 a.m. each day  
PLACE: By videoconference using Zoom.

6. The parties are responsible for sharing the link, meeting ID code, and passcode with witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

7. All parties must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision as if fully set forth herein.

8. Non-participants in the evidentiary hearing may observe the hearing live through the Commission's webcast for the Hearing Room assigned for each of the above hearing dates, which may be accessed at this link: <https://puc.colorado.gov/webcasts>.

9. **Answer Testimony Deadline.** Interveners' answer testimony must be filed and served by October 25, 2024.

10. **Rebuttal and Cross-Answer Testimony Deadlines.** Public Service's rebuttal testimony, and Interveners' cross-answer testimony must be filed and served by November 22, 2024.

11. **Deadline for Stipulations and Settlement Agreements.** The parties must file and serve any stipulations and settlement agreements by December 6, 2024.

12. **Deadline for Settlement Testimony.** The parties must file and serve testimony in support of or in response to any settlement agreement that is filed by December 13, 2024.

13. **Deadline for Non-Testimonial Hearing Exhibits.** By December 18, 2024, the parties must file and serve any non-testimonial hearing exhibits that they plan to offer into evidence (*i.e.*, exhibits not already filed per other deadlines). The parties are not required to pre-file and serve hearing exhibits which may be used solely for impeachment, to refresh recollection, or for rebuttal. *The parties are on notice* that if they do not prefile an exhibit for any of these reasons, they must establish at hearing that the exhibit is being used for impeachment or to refresh

recollection consistent with the requirements of Rules 612 and 613 of the Colorado Rules of Evidence, or for rebuttal. Any party may use any other party's hearing exhibits during the hearing and should not file them separately.

**14. Corrections, Modifications, and Amendments to Testimonial Exhibits.**

By December 18, 2024, the parties must file and serve any corrected, modified, or amended testimonial exhibits and attachments thereto (*i.e.*, corrections to answer, rebuttal, and cross-answer testimony and attachments). The parties are **again** reminded that such filings **must comply** with the specific requirements in Attachment B relating to corrected, modified, or amended testimonial exhibits and attachments. The parties may make corrections to testimonial exhibits and attachments thereto without filing a motion seeking leave to do so. Corrections include minor changes, such as fixing typographical or formatting errors. Corrections do not include material or substantive changes. Material or substantive changes to a testimonial hearing exhibit or attachment thereto amount to amending or modifying such documents. Any party wishing to amend or modify a testimonial exhibit or attachment thereto must file a motion establishing good cause; such a motion must be filed as soon as the party becomes aware of the need to amend or modify the filing. The parties must confer with each other prior to filing such a motion. Unreasonable delay in filing such a motion is grounds to deny the motion.

**15. Deadline for Hearing Exhibit and Witness Lists.** By December 18, 2024, the parties must file and serve complete exhibit and witness lists. Witness lists must include a brief description of the witnesses' anticipated testimony and the witnesses' contact information. Exhibit lists must identify the hearing exhibit and attachment number, the full title of each hearing exhibit and attachment thereto and include a brief description of each hearing exhibit and attachment thereto that the party intends to offer into evidence during the evidentiary hearing. Describing an

exhibit or attachment solely by identifying the exhibit or attachment number **does not meet** this requirement.

16. **Deadline for Joint Witness Examination Matrix.** By December 18, 2024, the parties must file a joint witness examination matrix listing all the witnesses the parties anticipate will testify at the hearing and the anticipated amount of time each party will use to examine the witnesses. To the extent practicable, the witnesses should be listed in the order in which they will be called. The parties also must assume that the Administrative Law Judge will use some time to examine witnesses.

17. **Deadlines for Prehearing Motions and Responses Thereto.** The parties must file and serve any prehearing motions by December 20, 2024. Responses to prehearing motions must be filed by January 2, 2025.

18. **Deadline for Statements of Position.** By January 21, 2025, the parties must file Statements of Position.

19. **Hearing Exhibit Number Block Assignments.** To efficiently organize exhibits that will be presented during the evidentiary hearing, all parties must use a unified numbering system for all hearing exhibits, consistent with the directions in Attachment B, using hearing exhibits within their assigned exhibit number blocks. The parties are assigned the following hearing exhibit numbers:

Party	Assigned Hearing Exhibit Numbers
Public Service	100 to 299
UCA	300 to 399
Staff	400 to 499

20. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers assigned to them, but in the 1000 range (e.g., Public Service will use hearing exhibit numbers 1100-1299). Hearing Exhibit 500 is reserved for the hyperlinked spreadsheet that will be used during the hearing to present evidence.

21. **Obligation to Review Hearing Spreadsheet.** The parties must review the hyperlinked spreadsheet (distributed to them prior to the hearing) that will be used during the hearing to present exhibits and confirm that it correctly includes all the exhibits that they intend to offer into evidence during the hearing.

22. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

\_\_\_\_\_  
Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,  
Director