

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

DOCKET NO. 02S-315EG

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IN THE MATTER OF THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS  
FILED BY PUBLIC SERVICE COMPANY OF COLORADO ADVICE LETTER NO. 1373 -  
ELECTRIC, ADVICE LETTER NO. 593 - GAS, AND ADVICE LETTER NO. 80 - STEAM.

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**ORDER ESTABLISHING NEW  
PROCEDURAL SCHEDULE**

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Mailed Date: March 5, 2003  
Adopted Date: March 5, 2003

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. By Decision No. C03-0190, the Commission vacated the hearings and the remaining procedural schedule in this case and set February 25, 2003, for a prehearing conference to establish a new procedural schedule. Decision No. C03-0190 resulted from a motion filed by Public Service Company of Colorado (Public Service), Staff of the Colorado Public Utilities Commission, and the Colorado Office of Consumer Counsel (collectively, Joint Movants). The Joint Movants stated that they and several intervenors had met to discuss the possible settlement of numerous issues in this proceeding, including cost of service issues, the Electric Commodity Adjustment mechanism, and Public Service's trading operations. The Joint Movants are optimistic that a comprehensive settlement can be achieved, since significant progress has been made on the major disputed issues, but request more time to continue negotiations.

2. At the prehearing conference, two new alternative procedural schedules were discussed. The first schedule assumes the parties reach a comprehensive settlement which

necessitates only a few days of hearings to consider the proposed settlement. The second schedule assumes no settlement which would necessitate full evidentiary hearings on all issues raised in prefiled testimony.

3. Counsel for Public Service stated that while progress is being made on a comprehensive settlement, the parties may need more time to negotiate some remaining open issue(s). The Commission directed and the parties agreed that any stipulation be filed by March 17, 2003. To the extent the remaining issue(s) cannot be resolved before the stipulation is filed, the parties would have until April 1, 2003, to continue negotiating on the open issue(s). If there is no resolution on the open issue(s), the Commission would proceed with the full evidentiary hearings, as discussed under the second schedule below.

4. If a comprehensive settlement is reached, the evidentiary hearings to consider the proposed settlement would commence at 1:00 p.m. on April 3, 2003, and continue through April 4, 7, and 8, 2003, as necessary. Under this schedule, the Commission would hold a public comment hearing on April 3, 2003, starting at 4:00 p.m. At least one representative of the parties to the stipulation would be present at the public comment hearing to explain the stipulation. If a comprehensive settlement is reached between the parties, no technical conference for the Commission Advisors would be necessary.

5. In the event that no comprehensive stipulation is reached, the Commission would conduct full evidentiary hearings on all of the issues raised in the prefiled testimony. Under this second scenario, the evidentiary hearings would commence on May 5, 2003, and continue until May 16, 2003. A public comment hearing would be held during the afternoon of first day of hearing on May 5, 2003, starting at 4 p.m. Statements of Position would be filed on May 30,

2003, and a technical conference for the Commission Advisors on the computer models would be held on June 5, 2003, at 9:00 a.m.

6. Under either proposed schedule, Public Service agreed at the prehearing conference to file amended Advice Letters extending the proposed effective dates of the proposed tariffs in this case to August 6, 2003. This extension of the proposed effective dates will provide the Commission sufficient time to issue an initial decision and a decision on rehearing, reargument, and reconsideration.

7. We approve the parties' suggested alternate procedural schedules. Additionally, if a settlement is reached in this case, consistent with Decision No. C02-767, we direct Public Service to identify the average Residential and Commercial customer monthly impact of the settlement, both in dollars and percentages, for both the electric and gas departments. This information shall be filed by close of business April 1, 2003.

## **II. ORDER**

### **A. The Commission Orders That:**

1. Except as stated in paragraph 2 below, the parties in this case shall file any proposed stipulation on March 17, 2003.

2. If necessary, the parties may continue negotiating the open issue(s) alluded to at the prehearing conference until April 1, 2003. The parties shall file on April 1, 2003, their comprehensive settlement or a statement that no such settlement is possible.

3. If a settlement is reached in this case, Public Service Company of Colorado shall identify the average Residential and Commercial customer monthly impact of the settlement,

both in dollars and percentages, for both the electric and gas departments consistent with Decision No. C02-767. This information shall be filed by April 1, 2003.

4. Evidentiary hearings will commence on:

DATE: April 3, 2003  
TIME: 1:00 p.m.  
PLACE: Commission Hearing Room A  
1580 Logan Street, OL2  
Denver, Colorado

The hearing will continue as necessary if a comprehensive settlement is proposed to the Commission by the parties on April 4, 7, and 8, 2003. Accordingly, the public comment hearing will commence at 4:00 p.m. on April 3, 2003, if a comprehensive settlement is reached.

5. Alternatively, if the parties fail to reach a comprehensive settlement of the issues in this case, hearings will commence on:

DATE: May 5, 2003  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room A  
1580 Logan Street, OL2  
Denver, Colorado

The hearing will continue as necessary on May 6 through 9, 2003 and May 12 through 16, 2003.

The public comment hearing will commence at:

DATE: May 5, 2003  
TIME: 4:00 p.m.  
PLACE: Commission Hearing Room A  
1580 Logan Street, OL2  
Denver, Colorado

Statements of Position will be filed on May 30, 2003. A technical conference for the Commission Advisors on the computer models will be held on:

DATE: June 5, 2003  
TIME: 9:00 a.m.  
PLACE: Commission hearing Room A  
1580 Logan Street, OL2  
Denver, Colorado

6. All hearings and conferences referenced above shall be held in Commission Hearing Room A, OL 2, 1580 Logan Street, Denver, Colorado.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
March 5, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith**  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

**POLLY PAGE**

**JIM DYER**

Commissioners