

Decision No. C03-0359

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

DOCKET NO. 02S-574G

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RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 598-GAS.

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**ORDER GRANTING MOTIONS TO AMEND  
PROCEDURAL SCHEDULE**

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Mailed Date: April 8, 2003  
Adopted Date: April 2, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. By Decision No. C02-1481 a procedural schedule regarding the filing of testimony and exhibits as well as cut-off dates for discovery was established. In a joint motion filed March 18, 2003 (Joint Motion), Home Builders Association of Metropolitan Denver (HBA) and the Colorado Office of Consumer Counsel (OCC) request that the Commission amend the initial procedural schedule by extending the filing of testimony and exhibits as well as the cut-off dates for discovery by seven days. This would: (1) extend the deadline for intervenors to file answer testimony and exhibits and for discovery pertaining to Public Service Company of Colorado's (Public Service) direct testimony and exhibits from March 19, 2003, to March 26, 2003; (2) extend the deadlines for Public Service to file rebuttal testimony and exhibits and intervenors to file cross-answer testimony and exhibits as well as for discovery pertaining to

intervenors' answer testimony and exhibits from April 30, 2003, to May 7, 2003; and (3) extend the deadline for discovery pertaining to both Public Service's rebuttal testimony and exhibits and intervenors' cross-answer testimony and exhibits<sup>1</sup> from May 9, 2003, to May 16, 2003. The Joint Motion also represents that neither Public Service nor the testimonial<sup>2</sup> staff objects to this requested relief.

2. On March 26, 2003, HBA also filed a motion for a two-day extension of time to file answer testimony (HBA Motion). The HBA Motion seeks to extend filing deadlines for answer testimony and exhibits and the discovery cut-off pertaining to Public Service's direct testimony and exhibits to March 26, 2003. HBA states that it needs the additional time because its expert has been ill. HBA represents that Public Service, testimonial<sup>3</sup> Staff, and OCC do not object to this requested relief, and that two additional days should also be afforded Staff and OCC.

## **B. Findings of Fact**

3. The Commission finds that the Joint Motion and HBA Motion, which amend the procedural schedule, state good grounds for their requests. Therefore, the motions are granted.

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<sup>1</sup> The joint motion refers to discovery pertaining to intervenors' **answer** testimony, but we take this to be a misstatement since, in the original procedural schedule, May 9, 2003 is the cut-off date for discovery pertaining to intervenors' **cross-answer** testimony as well as to Public Service's rebuttal testimony.

<sup>2</sup> The Joint Motion refers to **advisory** staff but we believe this to be a misstatement.

<sup>3</sup> The motion refers to **advisory** staff but, again, we believe this to be a misstatement

**II. ORDER****A. The Commission Orders That:**

1. The Joint Motion to Amend Procedural Schedule by the Home Builders Association of Metropolitan Denver and the Colorado Office of Consumer Counsel is granted.

The procedural schedule is amended as follows:

- extend the deadline for intervenors to file answer testimony and exhibits and for discovery pertaining to Public Service Company of Colorado's direct testimony and exhibits from March 19, 2003, to March 26, 2003;
- extend the deadline for Public Service to file rebuttal testimony and exhibits and intervenors to file cross-answer testimony and exhibits as well as for discovery pertaining to intervenors' answer testimony and exhibits from April 30, 2003, to May 7, 2003; and
- extend the deadline for discovery pertaining to both Public Service's rebuttal testimony and exhibits and intervenors' cross-answer testimony and exhibits from May 9, 2003, to May 16, 2003.

2. Response time to the Joint Motion to Amend Procedural Schedule is waived.

3. The Motion filed by Home Builders Association of Metropolitan Denver to extend the time for filing answer testimony and exhibits for Home Builders Association of Metropolitan Denver, Office of Consumer Counsel, and Commission Testimonial Staff, and the discovery cut-off pertaining to Public Service Company of Colorado's direct testimony and exhibits by two days is granted. Response time to the motion is waived.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 2, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith**  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**POLLY PAGE**

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**JIM DYER**

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Commissioners

CHAIRMAN GREGORY E. SOPKIN  
RECUSED HIMSELF.