

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03S-539E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY AQUILA, INC., DOING BUSINESS AS AQUILA NETWORKS-WPC, WITH ADVICE NO. 586.

ORDER ESTABLISHING PROCEDURAL SCHEDULE

Mailed Date: February 18, 2004
Adopted Date: February 11, 2004

I. BY THE COMMISSION

A. Statement

1. The Commission held a prehearing conference in this matter on February 11, 2004. Appearances were entered on behalf of Aquila, Inc., doing business as Aquila Networks-WPC (Aquila); Staff of the Commission (Staff); the Office of Consumer Counsel; Fountain Valley Authority, the Board of Water Works of Pueblo, Colorado, and the City of Canon City; and Cripple Creek & Victor Gold Mining Company, Goodrich Corporation, Holcim (U.S.), Inc., and The Trane Company. This order memorializes our decisions from the prehearing conference.

2. At the prehearing conference the parties proposed a mutually agreed upon procedural schedule. We adopt the proposed procedural schedule as follows:

Answer Testimony	April 14, 2004
Rebuttal/Cross-Answer Testimony	May 21, 2004
Prehearing Motions ¹	June 11, 2004
Corrections to Testimony, Exhibits, or Models	June 16, 2004

¹ Response time to Prehearing Motions is shortened to seven calendar days.

Technical Conference	June 21, 2004 - 9:00 a.m.
Hearing	June 23 – July 2, 2004
Statements of Position	July 16, 2004

Work papers will be served when testimony and exhibits are filed. Aquila will provide the work papers for its direct testimony no later than February 18, 2004. Aquila will pay for daily transcripts of the hearing.

3. Response and objections to discovery on direct testimony and answer testimony shall be served within ten calendar days. Response and objections to discovery on rebuttal testimony and cross-answer testimony shall be served within seven calendar days. Any discovery requests served on Friday shall be served no later than noon, Central Standard Time. The cut-off date for all discovery requests shall be June 16, 2004. All discovery disputes (*e.g.*, motions to compel) shall be resolved by an Administrative Law Judge.

4. All parties expressed an interest in electronic service of testimony and exhibits. The parties may serve testimony and exhibits on each other through electronic means. Parties shall provide, in writing to each other, the e-mail addresses of individuals to receive electronic copies and the mailing addresses of individuals to receive hard copy by overnight delivery. Parties shall serve electronic documents in Adobe Portable Document Format. The parties shall file an original and seven hard copies of all testimony and exhibits with the Commission.

5. The Commission took oral comment on the suggestion that parties provide executable electronic copies of the cost of service studies that they used for their proposed rate designs. Aquila explained that it used, in part, a proprietary cost of service study model and would require time to analyze the license agreements to determine how it can provide those cost

of service studies in this case. The other parties agreed to provide executable electronic copies of the cost of service study models used if they propose rate designs. We direct each party that proposes a rate design to provide, at the time it files testimony, the cost of service study model(s), in executable electronic format, it used to develop that rate design.² Aquila shall provide to all other parties and the Advisory Staff of the Commission, within 14 calendar days of the effective date of this order, a copy of the executable electronic cost of service study model(s) used for the rate design proposed in its direct testimony. If any party's case changes in subsequent testimony based on updated models, the updated model(s) shall be provided with that testimony.

6. The Commission also took oral comment on the suggestion that parties provide a hard copy and an executable electronic copy of the rate impact for average residential and commercial customer usages in both dollars and percentages. No party opposed this as a requirement.³ We direct any party that proposes a rate design to provide, in hard copy and electronic format, the average residential and commercial customer impacts of their proposal both in dollars and percentages. The parties shall use for an average electric residential customer a usage of 625 kWh, for an average electric commercial customer a usage of 1,265 kWh. Aquila shall file within seven days of this order its average customer impact in hard copy and electronic format. If any party's case changes substantially in subsequent testimony, the party shall provide updated information on average impacts when it files that testimony.

² Any party that does not propose its own rate design, but suggests changes to another party's rate design is not required to provide cost of services studies.

³ Likewise, any party that does not propose its own rate design, but suggests changes to another party's rate design is not required to provide rate impact information.

7. Staff requested that the Commission set a public hearing in Pueblo two weeks prior to the due date of answer testimony, or in this case, approximately the first of April. We take this request under advisement and will address it at a later date.

8. Aquila represented that it would accept waiver by the Commission of the statutory timeframe required in this proceeding if the Commission would issue its decision on this matter by September 3, 2004.⁴ We agree with Aquila that it would be ambitious given the adopted procedural schedule for us to issue a decision by July 29, 2004, and find the September 3, 2004 date reasonable.

II. ORDER

A. The Commission Orders That:

1. The procedural schedule proposed by the parties to this matter at the pre-hearing conference as articulated above is adopted.

2. Aquila, Inc., doing business as Aquila Networks-WPC shall provide work papers for its direct testimony no later than February 18, 2004.

3. Response and objections to discovery on direct testimony and answer testimony shall be served within ten calendar days. Response and objections to discovery on rebuttal testimony and cross-answer testimony shall be served within seven calendar days. Any discovery requests served on a Friday shall be served no later than noon, Central Standard Time. This cut-

⁴ The 120-day period in which the Commission must render a decision in this matter expires April 30, 2004. The Commission could have extended the time period to 210 days, which would have extended the expiration date to July 29, 2004.

off date for all discovery requests shall be June 16, 2004. Any discovery disputes shall be resolved by an Administrative Law Judge.

4. Any party to this matter that proposes a rate design, shall provide, at the time it files testimony, the cost of service study model(s), in executable electronic format, which it used to develop that rate design. If any party's case changes in subsequent testimony, based on updated models, the updated models shall be provided with that testimony.

5. Aquila, Inc., doing business as Aquila Networks-WPC shall provide, within 14 calendar days of the effective date of this Order, to all parties to this matter, and to Commission Advisory Staff, a copy of the executable electronic cost of service study model(s) used for the rate design proposed in its direct testimony.

6. Any party to this matter that proposes a rate design shall provide, in hard copy and electronic format, the average residential and commercial customer impacts of their proposal as expressed in both dollars and percentages. The parties shall use for an average electric residential customer, a usage of 625 kWh. The usage for an average electric commercial customer shall be 1,264 KWh.

7. Aquila, Inc., doing business as Aquila Networks-WPC, shall file within seven days of the effective date of this Order its average customer impact in hard copy and electronic format.

8. The 210-day time period for the Commission to issue a decision in this matter pursuant to § 40-6-111, C.R.S., is hereby waived by agreement of the parties. In the alternative, a Commission decision in this matter shall be rendered by September 3, 2004.

9. A hearing is scheduled in this matter as follows:

DATES: June 23, 24, 25, 28, 29, and 30, 2004,
and July 1 and 2, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room A
1580 Logan Street, OL2
Denver, Colorado

10. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' PREHEARING CONFERENCE
February 11, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners