

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-271ST

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 89-STEAM.

**ORDER SUSPENDING EFFECTIVE DATE
OF TARIFFS AND NOTICE OF HEARING**

Mailed Date: May 28, 2004
Adopted Date: May 26, 2004

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On April 26, 2004, Public Service Company of Colorado (Public Service), filed Advice Letter No. 89-Steam, (attached as Exhibit 1). Public Service stated that the purpose of this filing is to place into effect new base rates, which will supersede the currently effective base rates and eliminate the Phase I GRSA rider. Public Service requested that the tariffs accompanying Advice Letter No. 89 become effective on 30 days' statutory notice or, in this instance, on May 31, 2004.

2. Under § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariffs for hearing which will suspend their effective date for 120 days. Section 40-6-111(1), C.R.S.,

also provides that the Commission may, in its discretion, by separate order, suspend the effective date of the tariffs for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariffs for a maximum of 210 days or, in this docket, until December 27, 2004. If the Commission does not establish new rates before the expiration of the first suspension period of 120 days, or September 28, 2004, the tariffs filed by Public Service will become effective by operation of law. If the Commission further suspends, by separate order, the effective date of the tariffs for an additional 90 days, and if no new rates are established by the Commission on or before December 27, 2004, the tariffs filed by Public Service will become effective by operation of law.

B. Findings of Fact

3. The Commission will set the proposed tariffs for hearing and will suspend their effective date because the rates contained in the tariffs may be improper.

4. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariffs shall not allow participation as an intervenor in this matter.

5. We find that an Administrative Law Judge (ALJ) for the Commission should preside over this case. We direct the parties to investigate how the level of fixed and variable rate components could result in subsidization between customers, and we direct the ALJ to consider this potential subsidization in light of the Commission's policy to remove undue subsidies where feasible.

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

1. The effective date of the tariffs filed by Public Service Company of Colorado, on April 26, 2004, with Advice Letter No. 89-Steam, is suspended for 120 days until September 28, 2004, or until further order of the Commission.

2. The tariffs filed by Public Service Company of Colorado, with Advice Letter No. 89, will be set for hearing before an Administrative Law Judge for the Commission as follows:

DATE: September 2, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street. Office Level 2,
Denver, Colorado

3. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariffs, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing date of this Decision, and shall serve a copy of the motion on Public Service Company of Colorado's attorney of record.

4. Public Service Company of Colorado shall file with the Director of the Commission an original and three copies of all exhibits and direct testimonies, and shall effect service in accordance with Rule 7 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, on or before 60 days prior to the first day of hearing. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of

witnesses' testimonies will be permitted to be offered by Public Service Company of Colorado in support of its direct case.

5. Intervenor (including Staff of the Commission) shall file with the Director of the Commission an original and three copies of all exhibits and testimonies, and shall effect service in accordance with Rule 7 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, on or before 20 days prior to the first day of hearing. Except upon timely motion and for good cause shown, or by stipulation of all parties, no other, different or additional exhibits, witnesses, or scope of witnesses' testimonies will be permitted to be offered by an Intervenor (including Staff of the Commission) in support of its direct case.

6. All prehearing motions, of whatever nature, shall be filed on or before 20 days prior to the first day of hearing, and, except for good cause shown, no prehearing motion filed later will be considered.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 26, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners