

Decision No. C04-1400

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-164E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY WITH ADVICE LETTER NO. 1411.

**ORDER GRANTING
UNOPPOSED MOTION**

Mailed Date: November 30, 2004
Adopted Date: November 23, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a motion filed by Colorado Energy Consumers (CEC) to Establish Terms and Conditions for Production of Certain Confidential Information and Request for Waiver of Response Time. CEC filed its motion, which it represents is unopposed, on November 15, 2004. CEC further represents that CF&I Steel, L.P. (CF&I), Climax Molybdenum Company (Climax), and Denver Metro Building Owners and Managers Association (together, the Parties) also joined in this motion.

2. Now, being duly advised in the matter, we grant the motion consistent with the discussion below.

3. In Decision No. C04-0813, we granted a motion by Public Service Company of Colorado (Public Service) to limit access to certain load information which Public Service deemed highly confidential. Access to such information was limited to Commission Staff (Staff) and the Colorado Office of Consumer Counsel (OCC). Subsequent to that Order, Staff filed its

answer testimony and exhibits, which included its cost of service study designated confidential by Staff and filed under seal due to the protective order of Decision No. C04-0813.

4. CEC represents that it attempted to obtain a copy of Staff's cost of service study; however, because of the protective order in place at that time, and due to Public Service's objections to Staff's production of the information because it would reveal customer-specific information, it was not able to access Staff's cost of service study.

5. CEC argues that the inability of the Parties to access the confidential information will deny them any meaningful opportunity to analyze Staff's cost of service study in order to present their own cases.

6. As a result of these concerns, CEC indicates that the Parties, Public Service, and Staff held discussions that resulted in an agreement whereby, in addition to Staff and OCC, CEC, CF&I, Climax and the other parties to this proceeding may have access to the confidential information contained in Staff's cost of service study, as well as the attendant electronic models. CEC further represents that it is authorized to state that counsel for Staff and Public Service do not oppose this motion.

7. CEC also filed a Supplement to the motion on November 19, 2004 which included a copy of the Supplemental Protective Order attached as Attachment A.

8. We find that the Parties have stated good cause and we therefore grant the motion and waive response time.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion to Establish Terms and Conditions for Production of Certain Confidential Information is granted.

2. Response time to the Motion is waived.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the mailed date of this Order.

4. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 23, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners