

Decision No. C04-1409

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-214E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF ITS 2003 LEAST-COST RESOURCE PLAN.

DOCKET NO. 04A-215E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR AN ORDER APPROVING A REGULATORY PLAN TO SUPPORT
THE COMPANY'S 2003 LEAST-COST RESOURCE PLAN.

DOCKET NO. 04A-216E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR THE COMANCHE UNIT 3 GENERATION FACILITY.

**ORDER STAYING HEARING AND SETTING
SETTLEMENT HEARING**

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 request by Public Service Company of Colorado (Public Service) made at the hearing for its Application for Approval of its 2003 Least-Cost Resource Plan; Application for Approval of Public Service's Regulatory Plan to Support its 2003 Least-Cost Resource Plan; and Application for a Certificate of Public Convenience and Necessity for Construction of the Comanche 3 Generation Facility.

2. Prior to the commencement of the hearing on November 18, 2004, counsel for Public Service represented to the Commission that parties to the consolidated dockets had reached a settlement in principle regarding the matters at issue. As such, Public Service requested that the remainder of the hearing be stayed pending submission to the Commission of a settlement agreement reduced to a written document. Public Service did not indicate which parties were a part of the settlement agreement, or which issues were settled as part of the agreement. No party objected to Public Service's request.

3. We find good cause to grant the request to stay the proceedings in these consolidated dockets pending submission of a settlement agreement by the parties.

4. We further find that the parties shall file a written settlement agreement with the Commission by close of business on December 1, 2004. A hearing on the terms of the settlement agreement shall be conducted on December 8 and 9, 2004.

5. In the event the parties fail to reach a written settlement agreement, the evidentiary hearing in this matter shall reconvene and be conducted on December 8 and 9, 2004.

II. ORDER

A. The Commission Orders That:

1. The evidentiary hearing in the above captioned consolidated dockets is stayed consistent with the discussion above.

2. The written settlement agreement shall be filed no later than close of business on December 1, 2004.

3. A hearing on the settlement agreement shall be conducted as follows:

DATES: December 8 and 9, 2004

TIME: 9:00 a.m.

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

4. In the event a settlement agreement is not agreed upon, the evidentiary hearing shall be reconvened on:

DATES: December 8 and 9, 2004

TIME: 9:00 a.m.

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

5. 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