

Decision No. R04-0264-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-436E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR AN ORDER AUTHORIZING IT TO IMPLEMENT A PURCHASED
CAPACITY COST ADJUSTMENT RIDER IN ITS PUC NO. 7-ELECTRIC TARIFF.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING MOTION FOR
EXTRAORDINARY PROTECTION**

Mailed Date: March 15, 2004

I. STATEMENT

1. On February 27, 2004, Public Service Company of Colorado (Public Service) filed a motion for an order by the Commission pursuant to 4 CCR 723-16-3.2 granting extraordinary confidential protection to the CD-ROM that Public Service supplied to the Staff of the Public Utilities Commission (Staff) and the Colorado Office of Consumer Counsel (OCC) in response to Staff Audit Request No. CPUC 2-4.

2. This motion was referred to the undersigned Administrative Law Judge (ALJ) under the provisions of Decision No. C04-0053, mailed January 15, 2004, wherein the Commission stated that all discovery disputes shall be resolved by an ALJ.

3. In its motion, Public Service states that in response to Staff Audit Request No. CPUC 2-4, Public Service provided to Staff and OCC the CD-ROM that contains all of Public Service's existing power purchase agreements. Both Staff and OCC have filed non-disclosure provisions in this docket.

4. Subsequent to Staff's Audit Request No. CPUC 2-4, Public Service states that it has received "me too" discovery requests from other parties in this docket, requesting copies of all responses to Staff's audit requests.

5. Public Service states that it is reluctant to provide this information since Public Service is required to maintain confidentiality of the contracts. Public Service also states that it is also reluctant to provide to law firms representing parties negotiating contracts with Public Service a complete file on all existing contractual provisions since it could place Public Service at a competitive disadvantage at the bargaining table when it comes time to negotiate the next round of power purchase contracts.

6. Public Service states that it is willing to respond to more narrow, relevant questions concerning purchase capacity payments that are requested by other parties.

7. No responses to the motion have been filed.

8. Good cause having been shown, the motion of Public Service for extraordinary protection pursuant to the provisions of 4 *Code of Colorado Regulations* 723-16-3.2 will be granted.

II. **ORDER**

A. **It Is Ordered That:**

1. The motion of Public Service Company of Colorado for extraordinary protection pursuant to 4 *Code of Colorado Regulations* 723-16-3.2 is granted.

2. Access to the CD-ROM provided by Public Service in response to CPUC 2-4 is allowed only to members of Staff and the OCC.

3. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge