

Decision No. R04-0307-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-519E

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES
REGULATING ELECTRIC AND STEAM UTILITIES, AS FOUND IN 4 CCR 723-3, 10, 19,
AND 32.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
ESTABLISHING PROCEDURAL SCHEDULE
AND SCHEDULING ADDITIONAL HEARING**

Mailed Date: March 25, 2004

I. STATEMENT

1. On December 15, 2003, the Public Utilities Commission issued the Notice of Proposed Rulemaking which commenced this docket. See Decision No. C03-1370. Appended to that Order as Attachment B were proposed rules. That Order established hearing dates of March 8 and 9, 2004, and invited interested persons to participate in the rulemaking by submission of written comments and/or by presentation of oral comments.

2. At the time and place announced, the undersigned Administrative Law Judge (ALJ) held a hearing on the proposed rules. Six individuals¹ made oral presentations. In

¹ The individuals represented Aquila, Inc.; the Colorado Office of Consumer Counsel; Energy Outreach Colorado; Public Service Company of Colorado; and Tri-State Generation and Transmission Association and the Colorado Rural Electric Association. In addition, Staff of the Commission made a presentation.

addition, the Commission received written comments from four organizations² prior to the hearing and received one written comment from another organization³ after the hearing.

3. Several participants requested both additional hearings and further opportunity to submit written comments. At the hearing the ALJ granted those requests, established a procedural schedule, and scheduled additional hearing dates. This Order sets out the established schedule and hearing dates.

4. *Procedural schedule:* On or before April 26, 2004, anyone who wishes to do so may file suggested changes to one or more proposed rules. The suggested changes must be in legislative drafting (*i.e.*, red-lined) format. Any person who wishes to respond to rule language changes proposed may do so within one month of receiving the suggested language changes. Final written comments must be filed on or before June 14, 2004. These final written comments, taken in conjunction with any previously-filed written statements and suggested language changes, should be a complete presentation of the submitter's views on the proposed rules.

5. *Additional hearing dates and procedures at hearing:* The next hearings in this rulemaking proceeding will be held on July 13 and 14, 2004. Interested persons will have an opportunity to make oral presentations. Any person who raises a technical issue, or who suggests a technical change to a proposed rule, must present a witness prepared to answer questions which may arise about the technical issue or change. Persons attending the hearing will have an opportunity to ask questions of any person making a presentation at the hearing.

² The organizations are Aquila, Inc.; the Colorado Office of Consumer Counsel; Energy Outreach Colorado; and Public Service Company of Colorado.

³ The organization is Western Resource Advocates.

Participants are encouraged to have subject matter experts available at the hearing to respond to questions.

6. The ALJ expects that participants will have developed and presented their positions in written submissions filed on or before June 14, 2004, and will not raise new issues for the first time at the hearing. Having questions, issues, suggested language changes, and positions known in advance of the hearing will allow participants to be prepared to discuss these matters at the hearing. This process will foster better understanding of positions and should result in a clear record in this proceeding.

7. Each person who makes a filing in this matter is requested to serve a copy of that filing on all participants in this rulemaking.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule detailed above is adopted.
2. Additional hearings shall be conducted in this matter at the following time and date:

DATES: July 13 and 14, 2004

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

3. The participants shall follow the procedures and shall make the filings set out above.

4. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge