

Decision No. R04-0392-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-549E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER APPROVING EXPENSES INCURRED FOR THE PERIOD JANUARY 2002 THROUGH DECEMBER 2002 THAT ARE RECOVERED THROUGH THE INCENTIVE COST ADJUSTMENT.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING UNOPPOSED MOTION,
MODIFYING PROCEDURAL SCHEDULE,
AND WAIVING RESPONSE TIME**

Mailed Date: April 14, 2004

I. STATEMENT

1. On December 22, 2003, Public Service Company of Colorado (PSCo or Applicant) filed its Application for approval of expenses incurred in calendar year 2002 and reflected in PSCo's Incentive Cost Adjustment (Application). The Application commenced this proceeding.

2. On December 29, 2003, the Commission gave public notice of the Application. Holy Cross Energy filed a Petition for Leave to Intervene; the petition was granted, with conditions, by Decision No. R04-0183-I. Staff of the Commission (Staff) intervened of right and requested a hearing in this matter. Staff is the only active intervenor in this proceeding.

3. The Commission deemed the application complete as of February 12, 2004. *See* Minute Order dated February 4, 2004. By Decision No. R04-0183-I, the undersigned

Administrative Law Judge (ALJ) extended the time for Commission decision to and including September 9, 2004.

4. In Decision No. R04-0226-I, the ALJ established a procedural schedule and hearing dates in this proceeding. As pertinent here, on or before April 16, 2004, Staff is to file its answer testimony and exhibits; and on or before May 21, 2004, PSCo is to file its rebuttal testimony and exhibits.

5. On April 13, 2004, Staff filed an Unopposed Motion to Modify the Filing Dates for Answer and Rebuttal Testimony and for Waiver of Response Time. In that motion to modify filing dates, Staff seeks to change the date for filing of its answer testimony to April 30, 2004, and to change the date for filing of Applicant's rebuttal testimony to June 4, 2004. Staff states that it needs additional time to prepare its testimony, particularly a report which will accompany that testimony. PSCo does not oppose the granting of the motion to modify filing dates.

6. The motion to modify filing dates states good cause. Staff does not seek to change any other date, including the hearing date, established in Decision No. R04-0226-I. PSCo, the only other active party in this proceeding, does not oppose the motion. No party will be prejudiced by granting the motion. The motion to modify filing dates will be granted.

7. The following changes to the procedural schedule will be ordered: on or before April 30, 2004, Staff shall file its answer testimony and exhibits; and on or before June 4, 2004, PSCo shall file its rebuttal testimony and exhibits. The remainder of the schedule, including hearing dates, and procedures set out in Decision No. R04-0226-I will remain in effect.

8. The motion to modify filing dates is unopposed by any active party. As a result, response time to the motion will be waived.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Modify the Filing Dates for Answer and Rebuttal Testimony is granted.

2. The procedural schedule established in Decision No. R04-0226-I is modified as set forth above.

3. To the extent that the procedures and schedule established in Decision No. R04-0226-I are not modified by this Order, those procedures and that schedule remain in effect.

4. The parties shall make the filings on the dates set out above.

5. The Motion for Waiver of Response Time is granted.

6. Response time to the Unopposed Motion to Modify the Filing Dates for Answer and Rebuttal Testimony is waived.

7. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge