

Decision No. R04-0966-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-271ST

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 89-STEAM.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
HOLDING UNOPPOSED MOTION IN
ABEYANCE PENDING FILING OF
AMENDED ADVICE LETTER AND
MODIFYING PROCEDURAL SCHEDULE**

Mailed Date: August 16, 2004

I. STATEMENT

1. On April 26, 2004, Public Service Company of Colorado (PSCo) filed Advice Letter No. 89-Steam. PSCo stated that the purpose of this filing is to place into effect new base rates which will supersede the base rates now in effect and will eliminate the Phase I GRSA rider. PSCo requested that the tariffs accompanying Advice Letter No. 89-Steam become effective on 30 days' statutory notice.

2. By Decision No. C04-0549 the Commission suspended the effective date of the proposed tariffs, established a procedural schedule, and set the tariffs for hearing before an administrative law judge (ALJ). The Commission scheduled the hearing for September 2, 2004. The Commission directed the ALJ and the parties to address specific issues, in addition to others which might be raised. *See id.* at ¶ I.B.5.

3. Staff of the Commission (Staff) timely intervened and is the only intervenor.

4. The 210-day suspension period expires on December 27, 2004.

5. On August 13, 2004, Staff filed an Unopposed Motion to Modify Procedural Schedule and Reset Hearing and for Waiver of Response Time (Motion). In that filing Staff requests that the ALJ modify the procedural schedule with respect to the filing of testimony and exhibits and vacate and reschedule the hearing date. Staff requests a hearing date of December 16, 2004. In addition, Staff represents that PSCo does not oppose the motion and “will very shortly file an amended advice letter further suspending the suspension period for, at least, an additional three months.” Motion at ¶ 4.

6. Because the suggested new hearing date is too close to the end of the current suspension period to permit the Commission to issue its decision before the expiration of the current suspension period, the undersigned ALJ will hold the Motion in abeyance pending PSCo’s filing of its Amended Advice Letter No. 89-Steam. After PSCo files the Amended Advice Letter, the ALJ will decide the Motion.

7. PSCo will be ordered to provide directly to the ALJ a copy of its Amended Advice Letter when it is filed with the Commission.

8. To reduce possible prejudice to the parties, especially Staff whose testimony was due on August 13, 2004, the procedural schedule -- but not the hearing date -- will be modified. If the Amended Advice Letter is not filed and received on or before August 25, 2004, Staff’s testimony and exhibits **and** any prehearing motions will be due on or before August 27, 2004.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Modify Procedural Schedule and Reset Hearing and for Waiver of Response Time is held in abeyance until Public Service Company of Colorado files an Amended Advice Letter No. 89-Steam.

2. On the day it files the Amended Advice Letter with the Commission, Public Service Company of Colorado shall provide a copy of Amended Advice Letter No. 89-Steam directly to the presiding Administrative Law Judge.

3. The procedural schedule is modified. If the Amended Advice Letter is not filed and received by the presiding Administrative Law Judge on or before August 25, 2004, Staff of the Commission's testimony and exhibits *and* any prehearing motions are due on or before August 27, 2004.

4. Pending further Order, the hearing date remains September 2, 2004.

5. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge