

Decision No. R04-1004-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04S-378E

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RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 1414 AS AMENDED.

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DOCKET NO. 04S-376G

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RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE LETTER NO. 626 AS AMENDED.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
SETTING PRE-HEARING CONFERENCE**

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Mailed Date: August 25, 2004

**I. STATEMENT**

1. On May 25, 2004, Public Service Company of Colorado (PSCo) filed Advice Letter No. 626 in Docket No. 04S-376G and Advice Letter No. 1414 in Docket No. 04S-378E with the Colorado Public Utilities Commission (Commission). It requested that the tariffs accompanying these Advice Letters become effective on July 25, 2004.

2. On July 20, 2004, the Commission suspended the effective date of these tariff filings for an initial period of 90 days and referred these matters to the undersigned administrative law judge (ALJ). *See*, Decision Nos. C04-0800 and C04-0803. These decisions also set Docket No. 04S-376G for hearing on October 21, 2004, set Docket No. 04S-378E for hearing on October 22, 2004, and established deadlines for filing direct and answer testimony/exhibits and for filing motions.

3. On August 17, 2004, the Colorado Office of Consumer Counsel filed its Notice of Intervention of Right and Entry of Appearance in both dockets.

4. On August 19, 2004, PSCo filed pleadings entitled “Motion to Delay of hearing, an Extension of Time to File All Direct Testimonies and Exhibits, and to Consolidate” (Motions) in both proceedings. The Motions request that these proceedings be consolidated for hearing, that the hearings be continued, and that a revised procedural schedule be adopted.

5. On August 20, 2004, the Staff of the Commission (Staff) filed its Notice of Intervention in both dockets.

6. On August 24, 2004, the ALJ informally requested that the parties advise him of their availability for a pre-hearing conference to be held on or before August 26, 2004. Staff and PSCo advised that they are generally available on August 26, 2004. Therefore, a pre-hearing conference will be scheduled on that date by the Order that follows.

7. The pre-hearing conference will potentially deal with all issues contemplated by 4 *Code of Colorado Regulations* 723-1-79(b)(5) including, without limitation, identification of issues to be addressed in these proceedings, the resolution of any pending motions or petitions (including the Motions), the timing and scope of discovery, the desirability of submitting testimony in written form, and the establishment of a procedural schedule, including deadlines for filing written testimony and exhibits, motions, statements of position, and hearing dates.

8. In order to assist the ALJ, the parties are urged to confer prior to commencement of the pre-hearing conference in an attempt to reach agreement on procedural schedules that will result in completion of the hearings in these matters no later than November 23, 2004.

## **II. ORDER**

### **A. It Is Ordered That:**

1. A pre-hearing conference is scheduled in this matter as follows:

DATE: August 26, 2004

TIME: 2:00 p.m.

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

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge