

Decision No. R04-1005-I

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

DOCKET NO. 04S-271ST

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

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

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Mailed Date: August 25, 2004

**I. STATEMENT**

1. On April 26, 2004, Public Service Company of Colorado (PSCo) filed Advice Letter No. 89-Steam.

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. The 210-day suspension period for Advice Letter No. 89-Steam expires on December 27, 2004.

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

5. On August 13, 2004, Staff filed an Unopposed Motion to Modify Procedural Schedule and Reset Hearing (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. Finally, Staff moves for waiver of response time.

6. On August 18, 2004, PSCo filed Amended Advice Letter No. 89-Steam. That Amended Advice Letter changes the proposed effective date of the submitted tariffs from May 31, 2004 to August 29, 2004. On August 25, 2004, the Commission suspended the Amended Advice Letter. As a result, the 210-day suspension period in this matter will now end on March 31, 2005.

7. The Motion states good cause. In addition, Amended Advice Letter No. 89-Steam states at 1 that PSCo “files this extension of the effective date to allow Commission Staff an opportunity to prepare its case while accommodating the procedural schedules in several other dockets.” Further, extension of the suspension period provides sufficient time for the procedural schedule proposed in the Motion to be accommodated. Finally, PSCo will not be prejudiced by the granting of the Motion. For these reasons, the ALJ will grant the Motion; will vacate the procedural schedule established in Decision No. C04-0549, as modified by Decision No. R04-0966-I; will vacate the hearing scheduled for September 2, 2004; will establish a new procedural schedule; and will schedule hearing date.

8. Specifically, the ALJ will adopt the following procedural schedule: (a) on or before **October 12, 2004**, Staff will file its answer testimony and exhibits; (b) on or before **November 16, 2004**, PSCo will file its rebuttal testimony and exhibits; (c) on or before **December 9, 2004**, each party will file its corrected testimony and exhibits; (d) on or before

**December 9, 2004**, each party will file its prehearing motions;<sup>1</sup> (e) on or before **December 13, 2004**, the parties will file any stipulation reached;<sup>2</sup> and (f) hearing will be held on **December 16, 2004**. Whether there will be closing statements of position (either oral or written) will be determined at the close of the hearing.

9. No final prehearing conference will be scheduled at this time. If a party believes that a final prehearing conference would be beneficial or is necessary, that party may file an appropriate motion.

10. Parties are reminded of Rule 4 *Code of Colorado Regulations* 723-1-22(d)(3), which states: "If a pleading refers to new court cases or other authorities not readily available to the Commission, six copies of each case or other authority shall be filed with the pleading." If a party wishes the ALJ to consider a cited authority *other than* an opinion of the United States Supreme Court, a reported Colorado state court opinion, or a Commission decision, the party must provide a copy of, or a website address for, that cited authority.

11. The parties shall provide the decision number when referring to or citing a Commission decision.

12. The Motion is a joint motion. The Motion for Waiver of Response Time will be granted. Response time to the Motion will be waived.

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<sup>1</sup> Prehearing motions will be considered as preliminary matters at the hearing. Oral responses will be acceptable.

<sup>2</sup> When the parties file the stipulation with the Commission, the parties shall provide a copy of the stipulation directly to the ALJ.

## **II. ORDER**

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

1. The Unopposed Motion to Modify Procedural Schedule and Reset Hearing is granted.

2. The hearing date of September 2, 2004, is vacated.

3. The procedural schedule established in Decision No. C04-0549, as modified by Decision No. R04-0966-I, is vacated.

4. The procedural schedule set out above is adopted.

5. Hearing in this matter will be conducted on the following date, at the following time, and in the following location:

DATE: December 16, 2004

TIME: 9:00 a.m.

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

6. The parties shall follow the procedures and shall make the filings set out above.

7. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge

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