

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15AL-0135G

IN THE MATTER OF ADVICE LETTER NO. 876 - GAS FILED BY PUBLIC SERVICE
COMPANY OF COLORADO TO INCREASE RATES FOR ALL NATURAL GAS SALES
AND TRANSPORTATION SERVICES TO BECOME EFFECTIVE APRIL 3, 2015.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SUSPENDING, PURSUANT TO § 40-6-111(1), C.R.S.,
EFFECTIVE DATE OF TARIFFS APPENDED TO
AMENDED ADVICE LETTER; GRANTING MOTIONS;
PERMITTING INTERVENTIONS; PERMITTING
INTERIM RATES TO GO INTO EFFECT AND
ESTABLISHING REFUND CONDITION; EXTENDING
THE PIPELINE SYSTEM INTEGRITY ADJUSTMENT
THROUGH JUNE 30, 2016 AND CERTIFYING ONLY THIS
RULING AS IMMEDIATELY APPEALABLE TO THE
COMMISSION; SCHEDULING EVIDENTIARY HEARING;
SCHEDULING HEARINGS TO TAKE PUBLIC
COMMENT; ESTABLISHING PROCEDURAL SCHEDULE;
SHORTENING RESPONSE TIME TO EXCEPTIONS;
SHORTENING RESPONSE TIME TO CERTAIN TYPES OF
MOTIONS; ADDRESSING DISCOVERY; ADDRESSING
OTHER PROCEDURAL MATTERS; SHORTENING AND
WAIVING RESPONSE TIME TO PREVIOUSLY-FILED
MOTIONS; AND CONTAINING ADVISEMENTS**

Mailed Date: June 1, 2015

TABLE OF CONTENTS

I. <u>STATEMENT</u>	2
A. Suspension of Effective Date of Tariff Sheets Appended to Amended Advice Letter. ...	4
B. Matters Addressed and Rulings Made During Prehearing Conference.....	5
1. Parties.	5
2. Motions for Leave to Appear <i>Pro Hac Vice</i>	9
3. Motion for Excusal of Associated Counsel.....	12

4. Motion for Extraordinary Protection of Highly Confidential Information.	13
5. Declaratory Rulings in Proceeding No. 14M-0241EG.	20
6. Historical Test Year Filed by Public Service.	21
7. OCC Requests.	22
a. Compliance with Decision No. R13-1307 at ¶ 155b.	23
b. HTY for the 12-month Period Ending December 31, 2014.	25
8. Burden of Going Forward and Burden of Proof.	26
9. Surrebuttal Testimony and Sur-Cross-Answer Testimony.	28
a. Historical Test Year.	28
b. Pipeline System Integrity Adjustment.	32
C. Unopposed Joint Motion to Place Interim Rates into Effect on October 1, 2015.	33
D. Unopposed Motion to Extend the PSIA for Six Months.	35
E. Evidentiary Hearing, Procedural Schedule, and Related Matters.	39
F. Hearings to Take Public Comment.	43
G. Discovery-related Matters.	45
I. Miscellaneous Matters Pertaining to Hearing Exhibits.	48
II. ORDER.	49
A. It Is Ordered That:	49

I. STATEMENT

1. On March 3, 2015, Public Service Company of Colorado (Public Service, PSCo, or Company) filed Advice Letter No. 876 - Gas (Advice Letter). Generally speaking and as a high-level description of the filing, the Company proposes: (a) to implement a Multi-Year Rate Plan (MYRP), which has several components, for the years 2015 through 2017; (b) to increase, through three General Rate Schedule Adjustments (GRSAs) based on Future Test Years (FTYs), the base rates for its natural gas sales and transportation customers (one GRSA for each year

2015 through 2017¹); and (c) to extend the applicability of the Pipeline System Integrity Adjustment (PSIA) through December 31, 2020 and to change PSIA programs.² Accompanying the Advice Letter are tariffs that, if in effect and among other things, would put into effect the Company's proposals.

2. On March 3, 2015, the Company filed the direct testimony and attachments of 15 witnesses in support of the Company's proposals and proposed tariffs.

3. On March 19, 2015, by Decision No. C15-0255, the Commission set this Proceeding for hearing and suspended for a period of 120 days, or until August 1, 2015, the effective date of the proposed tariffs that accompanied the Advice Letter.

4. On April 21, 2015 and pursuant to § 40-6-111(1), C.R.S., Decision No. R15-0362-I suspended, for an additional 90 days, the effective date of the proposed tariffs that accompanied the Advice Letter. That suspension period expires on October 30, 2015.

5. In Decision No. C15-0255, the Commission referred this Proceeding to an Administrative Law Judge (ALJ).

6. By Decision No. R15-0362-I, the ALJ scheduled a May 6, 2015 prehearing conference in this Proceeding. In that Interim Decision, the ALJ identified the issues to be addressed at the prehearing conference.

7. On May 6, 2015, the ALJ held the prehearing conference as scheduled. A transcript of the prehearing conference has been filed.

¹ The tariffs filed on March 3, 2015 propose that the 2015 GRSA become effective on April 3, 2015; that the 2016 GRSA become effective on January 1, 2016; and that the 2017 GRSA become effective on January 1, 2017.

² For example (and without limitation), Public Service proposes to accelerate the Accelerated Main Replacement Program effort and to accelerate the Programmatic Risk-Based Pipe Replacement Program effort.

A. Suspension of Effective Date of Tariff Sheets Appended to Amended Advice Letter.

8. On May 19, 2015, Public Service filed an Amended Advice Letter No. 876 - Gas (Amended Advice Letter). Proposed tariffs accompanied the Amended Advice Letter.

9. The proposed tariffs filed on May 19, 2015 have an effective date of June 24, 2015. In all other respects, the proposed tariffs filed on May 19, 2015 are identical to the proposed tariffs filed on March 3, 2015.

10. Filing the Amended Advice Letter and proposed tariffs with a modified effective date was part of the negotiated package of agreements that resulted in the Parties' proposed procedural schedule in this Proceeding. Transcript of May 6, 2015 prehearing conference (May 6 tr.) at 115:18-116:16.

11. The Amended Advice Letter and accompanying proposed tariffs supersede in their entirety the Advice Letter and accompanying proposed tariffs.

12. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariffs filed on May 19, 2015 for hearing, which will suspend the effective date for 120 days from the June 24, 2015 effective date. Absent further order, if the Commission does not establish new rates before the expiration of the 120-day suspension period, or October 22, 2015, the rates filed by Public Service on May 19, 2015 may become effective. Absent further order, if the Commission does not permanently suspend, on or before October 22, 2015, the tariffs that accompanied the Amended Advice Letter, those tariffs may become effective.

13. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion and by a separate decision, suspend the effective date of the proposed tariffs filed on May 19, 2015 for an additional 90 days. Thus, the Commission has the power and authority to

suspend the effective date of the proposed tariffs for a maximum of 210 days, or until January 20, 2016. If the Commission does not establish new rates on or before January 20, 2016, the rates filed by Public Service on May 19, 2015 may become effective. If the Commission does not permanently suspend, on or before January 20, 2016, the tariffs that accompanied the Amended Advice Letter, those tariffs may become effective.

B. Matters Addressed and Rulings Made During Prehearing Conference.

14. Before and during the prehearing conference, the ALJ made numerous rulings. This Interim Decision memorializes those rulings.

1. Parties.

15. As of the date of the prehearing conference, the following had intervened as of right or had been granted leave to intervene by permission: City and County of Denver (Denver); Colorado Office of Consumer Counsel (OCC); Federal Executive Agencies (FEA); SourceGas Distribution LLC (SourceGas); and Trial Staff of the Commission (Staff).

16. As of the date of the prehearing conference, several motions and petitions for leave to intervene by permission were pending. The ALJ ruled on them at the prehearing conference.

17. Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1401(c)³ governs interventions by permission. As pertinent here, that Rule provides:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that

³ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

the movant's interests would not otherwise be adequately represented. ... The Commission will consider these factors in determining whether permissive intervention should be granted. Subjective, policy, or academic interest in a proceeding is not a sufficient basis to intervene. ...

In accordance with Rule 4 CCR 723-1-1500, the person seeking leave to intervene by permission bears the burden of proof with respect to the requested intervention.

18. On April 13, 2015, WoodRiver Energy, LLC (WoodRiver), filed its Petition to Intervene (WoodRiver Petition). WoodRiver is a gas transportation customer of PSCo and takes service under Public Service's gas transportation tariffs. Public Service proposes to increase its rates for one or more of the tariffs under which WoodRiver takes transportation service. In its petition, WoodRiver establishes that this Proceeding may substantially affect its pecuniary or tangible interests and that its interests are not otherwise adequately represented. The WoodRiver Petition is unopposed. WoodRiver has demonstrated that it meets the Rule 4 CCR 723-1-1401(c) requirements for intervention by permission. The ALJ will grant the WoodRiver Petition and will permit WoodRiver to intervene. WoodRiver is an Intervenor and a Party in this Proceeding.

19. On April 17, 2015, Climax Molybdenum Company (Climax) filed its Petition to Intervene (Climax Petition). Climax is a gas transportation customer of PSCo and takes service under Public Service's gas transportation tariffs. Public Service proposes to increase its rates for the one or more of the tariffs under which Climax takes transportation service. In its motion, Climax establishes that this Proceeding may substantially affect its pecuniary or tangible interests and that its interests are not otherwise adequately represented. The Climax Motion is unopposed. Climax has demonstrated that it meets the Rule 4 CCR 723-1-1401(c) requirements for intervention by permission. The ALJ will grant the Climax Motion and will permit Climax to intervene. Climax is an Intervenor and a Party in this Proceeding.

20. On April 17, 2015, the Colorado Gas Transporters, a group of customers taking gas transportation service from PSCo,⁴ filed a Motion to Intervene (Colorado Gas Transporters Motion). Colorado Gas Transporters take service under the PSCo gas transportation tariffs. Public Service proposes to increase its rates for one or more of the tariffs under which the Colorado Gas Transporters take transportation service. In the motion, Colorado Gas Transporters establish that this Proceeding may substantially affect their pecuniary or tangible interests and that their interests are not otherwise adequately represented. The Colorado Gas Transporters Motion is unopposed. The Colorado Gas Transporters have demonstrated that the group meets the Rule 4 CCR 723-1-1401(c) requirements for intervention by permission. The ALJ will grant the Colorado Gas Transporters Motion and will permit the Colorado Gas Transporters to intervene. The Colorado Gas Transporters as a group is an Intervenor and a Party in this Proceeding.

21. On April 20, 2015, Energy Outreach Colorado (EOC) filed (in one document) a Motion to Intervene and Entry of Appearance.

22. On April 24, 2015, EOC filed (in one document) an Expedited Unopposed Motion to Amend Motion to Intervene and Entry of Appearance and Request for Shortened Response Time. An Amended Motion to Intervene and Entry of Appearance accompanied that filing.

23. The ALJ will grant the Request for Shortened Response Time and will shorten response time to the May 6, 2015 prehearing conference. The ALJ will grant the Expedited

⁴ For this Proceeding, the Colorado Gas Transporters group consists of: (a) the Board of Governors of the Colorado State University System, acting by and through Colorado State University; (b) Colorado Natural Gas, Inc.; (c) the University of Colorado at Boulder; (d) the University of Denver (Colorado Seminary); (e) the University of Northern Colorado; (f) Western Disposal Service; and (g) the Windsor Gardens Association.

Unopposed Motion to Amend Motion to Intervene. As result, the ALJ will consider the Amended Motion to Intervene and Entry of Appearance (EOC Motion).

24. EOC is a nonprofit corporation, the mission of which “is to ensure that low-income Colorado households meet their home energy needs” (EOC Motion at ¶ 1) by collecting and disbursing low-income energy assistance funds, which include monies donated to EOC by Public Service in accordance with Commission decisions. EOC seeks to assure continuation of that source of donations. In addition, EOC receives natural gas service from Public Service. Public Service proposes to increase its rates for the tariff under which EOC receives service. Finally, EOC states that the proposed rate “increases will also affect the low-income Colorado households in PSCo’s service territory that take natural gas service from PSCo, many of whom, as a result of the increase, are likely to seek direct energy bill payment assistance and/or energy efficiency services from EOC, affecting [EOC’s] budget and ability to service low income customers in need” (EOC Motion at ¶ 3). In its motion, EOC establishes that this Proceeding may substantially affect its pecuniary or tangible interests and that its interests are not otherwise adequately represented. The EOC Motion is unopposed. EOC has demonstrated that it meets the Rule 4 CCR 723-1-1401(c) requirements for intervention by permission. The ALJ will grant the EOC Motion and will permit EOC to intervene. EOC is an Intervenor and a Party in this Proceeding.

25. Climax, Colorado Gas Transporters, Denver, EOC, FEA, OCC, SourceGas, Staff, and WoodRiver, collectively, are the Intervenors; each individually is an Intervenor. Public Service and the Intervenors, collectively, are the Parties; each individually is a Party. Each Party is represented by legal counsel.

26. At the May 6, 2015 prehearing conference, the Parties were present; were represented; and participated.

2. Motions for Leave to Appear *Pro Hac Vice*.

27. Legal counsel who are not licensed to practice law in Colorado (out-of-state attorneys) must be granted permission to appear *pro hac vice* in this Proceeding. Counsel who seek to appear *pro hac vice* must comply with Colorado Rule of Civil Procedure (Colo.R.Civ.P.) 205.5. Colo.R.Civ.P. 205.5 incorporates by reference Colo.R.Civ.P. 205.3.

28. As pertinent here, Colo.R.Civ.P. 205.3(2)(a) details what an out-of-state attorney must do to be permitted to appear *pro hac vice* and includes five requirements. Colo.R.Civ.P. 205.3(2)(b) specifies the content of a motion for leave to appear *pro hac vice*.

29. On April 22, 2015, Lt. Col. John C. Degnan filed a Motion for Leave to Appear *Pro Hac Vice*; Lt. Col. Degnan supplemented this filing on May 4, 2015 (collectively, Degnan Motion). Lt. Col. Degnan seeks Commission permission to appear *pro hac vice* to represent FEA in this Proceeding. The Degnan Motion is unopposed.

30. The Commission must receive notice from the Attorney Registration Office of the Supreme Court of Colorado (Attorney Registration Office) that Lt. Col. Degnan has been assigned a *pro hac vice* registration number for this Proceeding. Lt. Col. Degnan has filed the required information with the Attorney Registration Office.

31. The final decision with respect to Lt. Col. Degnan's admission *pro hac vice* lies with the Commission. The ALJ has reviewed the Degnan Motion and the requirements of Colo.R.Civ.P. 205.3. When the Commission receives the Attorney Registration Office notice, Lt. Col. Degnan will have complied with Rule 4 CCR 723-1-1201(a) and Colo.R.Civ.P. 205.5 (and the incorporated Colo.R.Civ.P. 205.3). The Degnan Motion states good cause and is unopposed,

and no Party will be prejudiced if the Degnan Motion is granted. The ALJ will grant the Degnan Motion and, upon receipt of the Attorney Registration Office notice, will permit Lt. Col. Degnan to appear *pro hac vice* to represent FEA in this Proceeding.

32. **Lt. Col. John C. Degnan is advised and is on notice that** he will be held to the requirements of Colo.R.Civ.P. 205.3(3) as incorporated by reference into Colo.R.Civ.P. 205.5 and to the acknowledgements contained in the verified Degnan Motion.

33. On April 22, 2015, Capt. Juan Godinez filed a Motion for Leave to Appear *Pro Hac Vice*; Capt. Godinez supplemented this filing on May 4, 2015 (collectively, Godinez Motion). Capt. Godinez seeks Commission permission to appear *pro hac vice* to represent FEA in this Proceeding. The Godinez Motion is unopposed.

34. The Commission must receive notice from the Attorney Registration Office that Capt. Godinez has been assigned a *pro hac vice* registration number for this Proceeding. Capt. Godinez has filed the required information with the Attorney Registration Office.

35. The final decision with respect to Capt. Godinez's admission *pro hac vice* lies with the Commission. The ALJ has reviewed the Godinez Motion and the requirements of Colo.R.Civ.P. 205.3. When the Commission receives the Attorney Registration Office notice, Capt. Godinez will have complied with Rule 4 CCR 723-1-1201(a) and Colo.R.Civ.P. 205.5 (and the incorporated Colo.R.Civ.P. 205.3). The Godinez Motion states good cause and is unopposed, and no Party will be prejudiced if the Godinez Motion is granted. The ALJ will grant the Godinez Motion and, upon receipt of the Attorney Registration Office notice, will permit Capt. Godinez to appear *pro hac vice* to represent FEA in this Proceeding.

36. **Capt. Juan Godinez is advised and is on notice that** he will be held to the requirements of Colo.R.Civ.P. 205.3(3) as incorporated by reference into Colo.R.Civ.P. 205.5 and to the acknowledgements contained in the verified Godinez Motion.

37. On April 22, 2015, Thomas A. Jernigan filed a Motion for Leave to Appear *Pro Hac Vice*; Mr. Jernigan supplemented this filing on May 4, 2015 (collectively, Jernigan Motion). Mr. Jernigan seeks Commission permission to appear *pro hac vice* to represent FEA in this Proceeding. The Jernigan Motion is unopposed.

38. The Commission must receive notice from the Attorney Registration Office that Mr. Jernigan has been assigned a *pro hac vice* registration number for this Proceeding. Mr. Jernigan has filed the required information with the Attorney Registration Office.

39. The final decision with respect to Mr. Jernigan's admission *pro hac vice* lies with the Commission. The ALJ has reviewed the Jernigan Motion and the requirements of Colo.R.Civ.P. 205.3. When the Commission receives the Attorney Registration Office notice, Mr. Jernigan will have complied with Rule 4 CCR 723-1-1201(a) and Colo.R.Civ.P. 205.5 (and the incorporated Colo.R.Civ.P. 205.3). The Jernigan Motion states good cause and is unopposed, and no Party will be prejudiced if the Jernigan Motion is granted. The ALJ will grant the Jernigan Motion and, upon receipt of the Attorney Registration Office notice, will permit Mr. Jernigan to appear *pro hac vice* to represent FEA in this Proceeding.

40. **Thomas A. Jernigan, Esquire, is advised and is on notice that** he will be held to the requirements of Colo.R.Civ.P. 205.3(3) as incorporated by reference into Colo.R.Civ.P. 205.5 and to the acknowledgements contained in the verified Jernigan Motion.

3. Motion for Excusal of Associated Counsel.

41. Wesley A. McConnell is the licensed Colorado attorney associated with Lt. Col. Degnan, Capt. Godinez, and Mr. Jernigan for purposes of their representation *pro hac vice* of FEA in this Proceeding.

42. Colo.R.Civ.P. 205.3(3) provides:

The name and address of the licensed Colorado associate attorney must be shown on all papers served and filed by the out-of-state attorney in a *pro hac vice* representation. The Colorado associate attorney shall appear personally and, unless excused, remain in attendance with the out-of-state attorney in all *pro hac vice* appearances.

43. On May 5, 2015, FEA filed an Expedited Unopposed Motion for Excusal of Federal Executive Agencies Pro Hac Vice Associated Counsel [Motion for Excusal] and Request for Shortened Response Time (collectively, May 5 Filing). The ALJ will grant the Request for Shortened Response Time and, as the May 5 Filing is unopposed and no Party will be prejudiced, will waive response time to Motion for Excusal.

44. The Motion for Excusal seeks to excuse Mr. McConnell “from appearing on behalf of FEA in all proceedings and filings pertaining to” this Proceeding. Motion for Excusal at ¶ 6. The motion is unopposed.

45. On May 5, 2015, the ALJ granted the Motion for Excusal, in part, and excused Mr. McConnell from appearing at the May 6, 2015 prehearing conference. The ALJ notified the Parties of this ruling by electronic mail sent May 5, 2015. The ALJ withheld ruling on the remainder of the motion.

46. Mr. McConnell “is employed as an Air Force Civilian Legal Attorney at Headquarters Air Reserve Personnel Center, Buckley [Air Force Base (AFB)], CO, and is also an Air Force Reserve Judge Advocate assigned to Schriever AFB, CO.” Motion for Excusal at ¶ 3.

Mr. McConnell has no apparent experience in practice before the Commission and no apparent experience in public utility law. FEA's three counsel *pro hac vice*, on the other hand, have practiced before the Commission and have experience in Colorado public utility law.

47. The ALJ finds that the Motion for Excusal states good cause and that granting the motion will not prejudice any Party. The ALJ finds that the circumstances of this Proceeding are such that Mr. McConnell's active participation is not required given the experience of FEA's three *pro hac vice* counsel.

48. The ALJ will grant the Motion for Excusal. The ALJ will excuse Wesley A. McConnell from further participation in this Proceeding.

4. Motion for Extraordinary Protection of Highly Confidential Information.

49. On March 10, 2015, Public Service filed a Motion for Extraordinary Protection of Highly Confidential Information (PSCo Motion). In that filing, Public Service seeks extraordinary protection for "the highly confidential information expected to arise in this proceeding, for which the Commission granted highly confidential protective order in the 2014 Electric Rate Case" (PSCo Motion at 1-2).⁵

⁵ The referenced 2014 Electric Rate Case is Proceeding No. 14AL-0660E, *In the Matter of Advice Letter No. 1672-Electric of Public Service Company of Colorado to Revise the General Rate Schedule Adjustment (GRSA) Rider Applicable to All Electric Base Rate Schedules and Revise the Transmission Cost Adjustment (TCA) to Remove Costs That Have Been Shifted to Base Rates to Become Effective July 18, 2014* (2014 PSCo Electric Rate Case or 2014 Electric Rate Case). In that Proceeding, the Company filed six motions for extraordinary protection. The motions were granted by Decisions No. C14-1043 (issued on August 28, 2014); No. R14-1118-I (issued on September 12, 2014); No. R14-1256-I (issued on October 17, 2014), *as modified by* Decision No. R14-1329-I (issued on November 4, 2014); No. R14-1385-I (issued on November 18, 2014); and Decision No. R14-1426-I (issued on December 3, 2014).

50. Public Service seeks a determination that the following types of information are highly confidential:

a. ***Highly Confidential Attachment JEM-5 to the Direct Testimony of Public Service Company witness Jannell E. Marks:*** The Attachment contains monthly MYRP gas Dekatherm (Dth) throughput data, including customer-specific usage data and the number of customers for each rate schedule, for the 2015-2017 FTYs. PSCo witness Marks has filed a public version of Highly Confidential Attachment JEM-5. These data are similar to the proprietary customer and business data determined to be highly confidential and granted extraordinary protection by Decision No. C14-1043 issued in the 2014 PSCo Electric Rate Case.

b. ***Customer counts and premise sales and demand usage data by tariff based on billing cycles:*** These data: (a) include customer counts and sales data by tariff or customer class based on billing cycles, which could include a unique combination of customer and premise information; (b) are not aggregated to protect customer-specific information; and (c) are quite voluminous. As these data are expected to include individual customer gas usage data, the requested protective order is consistent with Rules 4 CCR 723-1-1105 and 723-4-4208⁶ (pertaining to disclosure of customer personal information). Given the nature and the volume of the data, it is not feasible to create a public version of the information. These data are similar to the proprietary customer and business data determined to be highly confidential and granted extraordinary protection by Decision No. C14-1043 issued in the 2014 PSCo Electric Rate Case.

c. ***Quarterly Critical Accounting Policies reports submitted by the Controller of Xcel Energy Services Inc. to the members of the Audit Committee of the Board***

⁶ This Rule is found in the Rules Regulating Gas Utilities and Pipeline Operators, Part 4 of 4 *Code of Colorado Regulations* 723.

of Directors of Xcel Energy in compliance with the Sarbanes-Oxley Act of 2002: The reports⁷ contain undisclosed financial information material to both Xcel Energy (a publicly-traded company) and Public Service; they are proprietary, competitively sensitive, and commercially sensitive. The reports are Xcel Energy-wide, include data and discussion concerning operating companies other than PSCo, and must be redacted to exclude matters concerning operating companies other than Public Service. Much of the information is material financial information that has the potential to affect Xcel Energy's stock price and should not be publicly disclosed pursuant to applicable federal statutes, Securities and Exchange Commission regulations, and relevant court rulings. Given the nature of the data and the discussion in the reports, it is not feasible to create a public version of the reports. These reports are the same types of reports determined to be highly confidential and granted extraordinary protection by Decision No. R14-1118-I issued in the 2014 PSCo Electric Rate Case.

d. ***Salary surveys:*** There are 14 salary surveys at issue. They are: (a) The Foushee Group Security & Compliance Compensation Study; (b) U.S. Mercer Benchmark Database Survey;⁸ (c) U.S. Mercer Contact Center Survey; (d) Aon Hewitt U.S. Energy Marketing and Trading Compensation Survey; (e) Aon Hewitt Total Compensation Measurement Management & Professional Survey; (f) Dietrich Engineering, Drafting & Design, and Construction Salary Survey; (g) Towers Watson Data Services Compensation Database Energy Marketing and Trading Compensation Survey - U.S.; (h) Mercer Total Compensation Survey for the Energy Sector; (i) Aon Hewitt Independent Energy Human Resources Association

⁷ These reports include, for example, the critical accounting policy updates, policies, and conclusions regarding regulatory accounting; income tax accruals; and employee benefits, retirement plans, and actuarial assumptions.

⁸ This is a package that contains a total of seven surveys.

Energy Industry Compensation Survey; (j) EAP Data Information Solutions Energy Technical Craft Clerical Survey; (k) Towers Watson Data Services American Gas Association Compensation Survey; (l) Towers Watson Data Services Compensation Database Energy Services Middle Management, Professional & Support Compensation Survey - U.S.; (m) The Foushee Group Environmental, Health & Safety Compensation Survey; and (n) Towers Watson Data Services Compensation Database Energy Services Executive Compensation Survey - U.S. The documents are copyright protected and contain proprietary intellectual property owned by third parties that have not consented to the release of the documents. As a result, one cannot create public versions of these salary surveys. These are the salary surveys determined to be highly confidential and granted extraordinary protection by Decision No. R14-1256-I issued in the 2014 PSCo Electric Rate Case.⁹

51. As the Party seeking an order from the Commission, Public Service bears the burden of establishing that the information is highly confidential and that the proposed extraordinary protections are reasonable. Section 24-4-105(7), C.R.S.; Rule 4 CCR 723-1-1101(b); Rule 4 CCR 723-1-1500.

52. A motion for extraordinary protection must comply with Rule 4 CCR 723-1-1101(b). The PSCo Motion complies with that Rule.

53. The PSCo Motion states good cause for determining that each of the four above-described types of information is highly confidential.¹⁰ The PSCo Motion is unopposed.

⁹ On motion of PSCo and for reasons not applicable here, the extraordinary protections were later modified by Decision No. R14-1329-I.

¹⁰ In making this determination, the ALJ incorporates the pertinent discussion in Decisions No. C14-1043 and No. R14-1256-I as the rationales in those Decisions also apply to the information at issue in the PSCo Motion.

Thus, the Intervenor has acquiesced to the granting of the PSCo Motion. No Party will be prejudiced if the information is found to be highly confidential.

54. The ALJ will grant the PSCo Motion on the issue of whether the information is highly confidential. The ALJ finds that each of the above-described types of information is highly confidential.

55. Public Service requests the following **extraordinary protections for all four types of highly confidential information**: (a) the Commissioners, the ALJ, the Trial Staff, and the Advisory Staff may have access to the information; (b) Advisory counsel in this Proceeding may have access to the information; (c) Staff counsel in this Proceeding may have access to the information; (d) OCC employees assigned to this Proceeding may have access to the information; (e) OCC counsel in this Proceeding may have access to the information; and (f) other Parties and their counsel are denied access to the information.

56. The proposed restrictions on access are appropriate; are reasonable; and are consistent with Commission rules, practice, and policies. The PSCo Motion is unopposed. Thus, the Intervenor has acquiesced to the adoption of the extraordinary protections sought. No Party will be prejudiced if the proposed extraordinary protections on access are adopted.

57. The ALJ will grant the PSCo Motion with respect to the extraordinary protections applicable to access to all four types of highly confidential information. The ALJ will order the restrictions on access proposed by Public Service. The ALJ also will order: disclosure to the Advisory counsel in this Proceeding, to the employees of the OCC assigned to this Proceeding, to the Assistant Attorneys General who represent Staff in this Proceeding, and to the

Assistant Attorneys General who represent OCC in this Proceeding is conditioned on the signing, serving, and filing of the Nondisclosure Agreement that is Attachment A to the PSCo Motion.¹¹

58. Public Service requests the following **additional extraordinary protection for customer counts and premise sales and demand usage data by tariff based on billing cycles**: at the conclusion of this Proceeding, Trial Staff, OCC, counsel for Trial Staff, and counsel for OCC must either destroy this type of highly confidential data or must return this type of highly confidential data to Public Service. The Commission adopted this extraordinary protection in Decision No. C14-1043 at ¶ 71.

59. The additional extraordinary protection is appropriate; is reasonable; and is consistent with Commission rules, practice, and policies. Neither Staff nor OCC oppose the adoption of this additional protection in this Proceeding. Neither Staff nor OCC will be prejudiced by the adoption of this additional protection in this Proceeding.

60. The ALJ will grant the PSCo Motion with respect to this additional extraordinary protection applicable to customer counts and premise sales and demand usage data by tariff based on billing cycles. The ALJ will order the following: (a) at the conclusion of this Proceeding, *Staff and its counsel* either must destroy the customer counts and premise sales and demand usage data by tariff based on billing cycles or must return that information to the Company; and (b) at the conclusion of this Proceeding, *OCC and its counsel* either must destroy the customer counts and premise sales and demand usage data by tariff based on billing cycles or must return that information to the Company.

¹¹ Employees of the Commission sign and keep on file a nondisclosure agreement pursuant to Rule 4 CCR 723-1-1100(h). Thus, they are not required to comply with this requirement.

61. Public Service requests the following **additional extraordinary protection for the salary surveys**: Staff and its counsel and OCC and its counsel may review the salary surveys only in hard copy and only at 1800 Larimer, Denver, Colorado; may take notes only; and must destroy the notes at the conclusion of this Proceeding. The Commission adopted this extraordinary protection in Decision No. R14-1256-I at ¶ 10.

62. The additional extraordinary protection is appropriate; is reasonable; and is consistent with Commission rules, practice, and policies. Neither Staff nor OCC oppose the adoption of this additional protection in this Proceeding. Neither Staff nor OCC will be prejudiced by the adoption of this additional protection in this Proceeding.

63. The ALJ will grant the PSCo Motion with respect to this additional extraordinary protection applicable to salary surveys. The ALJ will order the following: (a) *Staff and its counsel* must review the salary surveys only in hard copy and only at 1800 Larimer, Denver, Colorado; may take notes only; and must destroy the notes at the conclusion of this Proceeding; and (b) *OCC and its counsel* must review the salary surveys only in hard copy and only at 1800 Larimer, Denver, Colorado; may take notes only; and must destroy the notes at the conclusion of this Proceeding.

64. During the prehearing conference, Public Service agreed to discuss information needs with Intervenors other than OCC and Staff that are interested in having access to the highly confidential information. The discussions offer the opportunity to avoid, or to resolve informally, disputes pertaining to access to highly confidential information by Intervenors other than Staff and OCC. The ALJ encourages these discussions and anticipates that they will be conducted in good faith. As necessary, Public Service or an Intervenor may file a motion to modify the extraordinary protections granted by this Interim Decision.

5. Declaratory Rulings in Proceeding No. 14M-0241EG.

65. By Decision No. C14-0302,¹² the Commission commenced Proceeding No. 14M-0241EG, *In the Matter of Commission Consideration of Multi-Year Rate Plan Advice Letter Filings and Tariff Sheets*. The Commission explained that, in Proceeding No. 12AL-1268G,¹³ as relevant here, Public Service

requested three separate rate increases in the form of a General Rate Schedule Adjustment for 2013, 2014, and 2015 ... pursuant to a Multi-Year Plan (MYP) tariff[.] ...

A legal dispute arose regarding whether the Commission may suspend the base rate increases proposed for 2014 and 2015 for a total of up [to] 210 days after these increases otherwise would go into effect (210 days after January 1, 2014 and January 1, 2015) or whether the Commission is limited to a single suspension period for all base rate increases set forth on the MYP tariff sheet (210 days after January 12, 2013). The parties disagreed on the interpretation of § 40-6-111(1)(b), C.R.S., other statutes in Title 40, and applicable Commission Rules.

Decision No. C14-0302 at ¶¶ 1-2. The Commission referred Proceeding No. 14M-0241EG to an ALJ with these instructions: (a) address the identified legal disputes; and (b) address whether the Commission should open a rulemaking to codify its rulings on the merits of those legal issues.

66. On March 4, 2015, by Decision No. R15-0202, the ALJ issued these declaratory rulings in Proceeding No. 14M-0241EG:

... electric public utilities and gas public utilities have the statutory right to file in one proposed tariff a Multi-Year Rate Plan (MYRP) that has a single effective date and that seeks to change the filing public utility's rates, terms, and/or conditions for utility service over time based on stepped (or phased-in) changes that will occur on specific dates in the future.

... if the Commission elects to suspend an MYRP tariff for investigation and hearing pursuant to § 40-6-111(1), C.R.S., by its decision the Commission suspends the entire MYRP tariff filing.

¹² That Decision was issued on March 21, 2014.

¹³ That Proceeding was *In the Matter of Advice Letter No. 830-Gas of Public Service Company of Colorado, with Accompanying Tariff Sheets Concerning Implementing a General Rate Schedule Adjustment (GRSA), to be Effective January 12, 2013* (2012 PSCo Gas Rate Case or 2012 Gas Rate Case).

... if the Commission elects to suspend an MYRP tariff for investigation and hearing pursuant to § 40-6-111(1), C.R.S., the suspension period commences on the proposed effective date of the entire MYRP tariff as stated in the filing utility's Advice Letter.

Decision No. R15-0202 at Ordering Paragraphs No. 1 through No. 3. No exceptions were filed. The Commission *sua sponte* stayed Decision No. R15-0202. As of the date of this Interim Decision, the Commission has not issued a decision.

67. At the prehearing conference, the Parties stated that they do not plan to raise in this Proceeding the legal issues addressed in Decision No. R15-0202. Each Party reserved its right to address those legal issues should the Commission issue a Decision that modifies the declaratory rulings made in Decision No. R15-0202. Thus, at this time, it appears that those legal issues will not be addressed in this Proceeding.

6. Historical Test Year Filed by Public Service.

68. In the summary of her March 3, 2015 direct testimony at page 2, PSCo witness Deborah A. Blair states: "She provides the [Historical Test Year (HTY)] for informational purposes and as the starting point for the development of the Test Years which [are] the basis for the Company's requested rate increase."

69. At the prehearing conference, the Company described the filed HTY and its purposes.¹⁴

70. Public Service stated that the filed HTY is fully-developed, meaning that the Company began with its books and records for the test period (*i.e.*, the 12 months ending June 30, 2014); made regulatory adjustments; made *pro forma* adjustments; and made

¹⁴ Unless the context indicates otherwise, reference in this Interim Decision to the filed HTY is to the HTY filed by Public Service on March 3, 2015.

adjustments for known and measurable changes. Importantly, PSCo stated that the filed HTY contains all the adjustments the Company would have made to its booked numbers if the Company had relied on that HTY as the basis for its revenue requirement in this Proceeding. May 6 tr. at 46:20-47:4. According to PSCo, this distinguishes the HTY filed by PSCo in this Proceeding from the Commission-ordered HTY filed by PSCo in the 2012 Gas Rate Case.

71. In the Company's view, the filed HTY has two principal roles in this Proceeding: (a) the filed HTY is the foundation for the FTYs that PSCo advocates be used to determine its revenue requirement in 2015, 2016, and 2017;¹⁵ and (b) in the event an Intervenor advocates that an HTY be used to determine PSCo's revenue requirement, the filed HTY is available for the Intervenor either to use as the Intervenor's advocated HTY or to use as the starting point for that Intervenor's advocated HTY. In addition, the Company notes that one can use the filed HTY as an analytical tool for comparisons to the FTYs.

72. The Intervenor agrees with the Company that the filed HTY is available for an Intervenor to use as the Intervenor's advocated HTY or to use as the starting point for the Intervenor's advocated HTY.

7. OCC Requests.

73. In its Intervention, OCC requests that the ALJ order Public Service to make additional filings in this Proceeding. OCC requests that: (a) "the ALJ order PSCo to amend its Direct Testimony to comply with" Decision No. R13-1307¹⁶ at ¶ 155 (OCC Intervention at ¶ 5(i)); and (b) "the ALJ order PSCo to file [an] historical test year data for calendar year 2014"

¹⁵ According to PSCo, the HTY is the beginning point for the development of the FTYs as it forms the basis for the development of the 2015 FTY.

¹⁶ That Recommended Decision was filed on October 22, 2013 in the 2012 PSCo Gas Rate Case.

(OCC Intervention at ¶ 5(c)). At the prehearing conference, the Parties -- principally OCC and PSCo -- discussed these requests.

a. Compliance with Decision No. R13-1307 at ¶ 155b.

74. OCC asks the ALJ to order Public Service to supplement its March 3, 2015 direct testimony and attachments in order to provide the information required by ¶ 155 of Decision No. R13-1307.

75. Decision No. R13-1307 at ¶ 155 states in relevant part:

for the next natural gas rate case in which the Company seeks to use a FTY, the ALJ will order the following:

a. If PSCo files a FTY in a future Gas Department rate case, it must provide with its direct testimony the HTY, including all *pro forma* adjustments, that PSCo would have submitted had it sought to use an HTY as the basis for its revenue requirements showing.

b. If PSCo files a FTY in a future Gas Department rate case, it must provide a line-by-line comparison with a historical test year, together with adequate explanations for all deviations.

c. If PSCo files a FTY in a future Gas Department rate case, it must provide ten years' worth of data to validate its forecasts.

(Italics in original; underlining supplied.)

76. OCC asserts that the Company's March 3, 2015 direct testimony and attachments do not meet the ¶ 155b requirement for a "line-by-line comparison ... with adequate explanations for all deviations" and, as a result, must be supplemented. As support for this request, OCC states: (a) it reads ¶ 155b to require that the side-by-side comparisons and the explanations appear on the same sheet or sheets; (b) the Company does not provide such a side-by-side comparison; and (c) the Company must supplement its direct testimony and attachments to provide the required information in the required format.

77. Public Service responds that it has complied with the requirements of ¶ 155b. In support of its position, the Company states: (a) the format of Attachments DAB-5 and DAB-6 is identical as both contain the same schedules in the same format (*i.e.*, same line numbers and descriptions) which permits one to track line items across the attachments; (b) Attachment DAB-6 contains the side-by-side comparison of the *filed HTY and the 2015 FTY* and, where there is a difference in a line item, shows the amount of the difference (or delta) between the two test years; (c) Attachment DAB-5 contains the side-by-side comparison of the *2015 and 2016 FTYs* and, where there is a difference in a line item, shows the amount of the difference (or delta) between the two test years being compared; (d) Attachment DAB-5 also contains the side-by-side comparison of the *2016 and 2017 FTYs* and, where there is a difference in a line item, shows the amount of the difference (or delta) between the two test years being compared; and (e) the testimony of the PSCo witnesses contains the required explanation of the identified differences or deltas. Taken together, the Company asserts, these documents satisfy the ¶ 155b requirements.

78. The ALJ will not order Public Service to file the OCC-requested supplement to its direct testimony. Paragraph 155b requires the Company to file certain information but does not specify the format the Company is to use. After review of the testimony and attachments, the ALJ finds that the information provided by the Company and the format used by the Company meet the ¶ 155b requirements because: (a) Attachments DAB-5 and DAB-6, when read together, identify by line item the changes from one test year to another and show the magnitude of each identified change; (b) PSCo witnesses' direct testimony explain each identified change; so that (c) an interested person is able to follow the changes and comparisons from the filed HTY to FTY 2015, FTY 2016, and FTY 2017.

b. HTY for the 12-month Period Ending December 31, 2014.

79. The filed HTY is for the 12-month period ending June 30, 2014. OCC asks for an Interim Decision requiring the Company to file another HTY, this one for the 12-month period ending December 31, 2014 (CY 2014 HTY).

80. The Company agreed to file supplemental direct testimony and attachments that contains a CY 2014 HTY. Public Service agreed to file: (a) a fully-developed CY 2014 HTY, as fully-developed is described in ¶ 70; and (b) testimony and attachments supporting the CY 2014 HTY, including comparisons of the FTYs and the CY 2014 HTY (*i.e.*, PSCo witness Blair's Attachments DAB-5 and DAB-6 updated or changed as necessary to compare the CY 2014 HTY to the 2015, 2016, and 2017 FTYs).

81. With respect to the CY 2014 HTY, the Company agreed to provide the information ordered in Decision No. R13-1307 at ¶ 155 with two exceptions: (a) due to time constraints, the Company will not provide testimony explaining deviations between the FTYs and the CY 2014 HTY; and (b) the Company will not update the ten years of historical data filed on March 3, 2015 in the Company's direct testimony and attachments.

82. OCC stated that PSCo's agreement to file the described CY 2014 HTY satisfies its request. No Intervenor opposed the PSCo proposal.

83. As described by the Company and given the time constraints, the proposed filing is sufficient to meet the requirements of ¶ 155 of Decision No. R13-1307, assuming (without deciding) that they apply to the CY 2014 HTY. The ALJ will order Public Service to file supplemental direct testimony and attachments that contains the described CY 2014 HTY.

8. Burden of Going Forward and Burden of Proof.

84. In the 2012 PSCo Gas Rate Case, the Company sponsored and supported a proposed MYRP with three FTYs; the OCC sponsored and supported a proposed HTY; and Staff sponsored and supported a proposed HTY. In that rate case, the Commission clarified the burden of going forward and the burden of proof in light of the different types of proposed test years:

Public Service, as the proponent of a rate increase, shall have the burden of going forward and the burden of proof as to the FTY case it has filed. Intervenors shall have the burden of going forward on any adjustment to the FTY sponsored by Public Service. Intervenors shall have the burden of going forward and the burden of proof if an HTY is the result sought. Public Service does not have the burden of disproving an HTY in order to prevail on its FTY.

Decision No. C13-0064¹⁷ at ¶ 15 (emphasis supplied).

85. At the prehearing conference, the Parties generally agreed that this Commission clarification should apply in this Proceeding. The ALJ concurs. Given the nature of this Proceeding and its similarities to the 2012 Gas Rate Case, the Commission clarification should -- and will -- apply in this Proceeding.

86. At the prehearing conference, Public Service offered clarifications on the issue of burden of proof.

87. The first clarification pertains to Public Service's burden of proof. Although it does not advocate adoption of its March 3, 2015 HTY as the basis of its revenue requirement, Public Service relies on that HTY as the foundation for some of the numbers and adjustments that appear in one or more of the FTYs that Public Service advocates as the basis for its revenue requirement. As a result, to the extent of its reliance on the March 3, 2015 HTY,

¹⁷ That Decision was issued on January 11, 2013 in the 2012 Gas Rate Case.

Public Service states that it has the burden of going forward and the burden of persuasion as to the numbers and adjustments in the March 3, 2015 HTY.

88. The second clarification pertains to the burden of proof of an Intervenor that advocates the use of one of PSCo's HTYs.¹⁸ If an Intervenor advocates the use of an HTY and elects to rely on one of PSCo's HTYs without proposing an adjustment, the Company points out that the Intervenor has available to it the Company's testimony and attachments on the issue of the accuracy of the HTY. The Company notes that, when admitted into evidence, the PSCo testimony and attachments should establish that the HTY is fully-developed, contains all appropriate adjustments, and is accurate. Public Service posits that the Company's case that contains and supports the HTY should provide a sufficient evidentiary basis to meet the Intervenor's burden with respect to the accuracy of the HTY that the Intervenor advocates as the basis for the Company's revenue requirement.

89. The ALJ agrees with the Public Service clarifications. In addition, the ALJ notes that, if an Intervenor relies on an HTY filed by PSCo but proposes adjustments to that PSCo-filed HTY, the Intervenor may rely on the Company's testimony and attachments concerning the HTY except to the extent of the Intervenor-proposed adjustments. As to each proposed adjustment, the Intervenor has the burden of proof.¹⁹

¹⁸ As used in this Interim Decision, PSCo's HTYs are the filed HTY and the CY 2014 HTY.

¹⁹ The Intervenor also has the burden of proof to establish that the Commission should use an HTY to determine the Company's revenue requirement. This discussion about the PSCo clarifications does not address this aspect of the Intervenor's burden of proof.

9. Surrebuttal Testimony and Sur-Cross-Answer Testimony.

a. Historical Test Year.

90. At the prehearing conference, at least two Intervenors stated that they will advocate, and several other Intervenors stated that they may advocate, for the adoption of an HTY as the basis for PSCo's revenue requirement in this Proceeding. As discussed above, each Intervenor that advocates for the adoption of an HTY has the burden of proof with respect to that advocacy. The Parties discussed whether, as was done in the 2012 Gas Rate Case, an Intervenor that advocates for the adoption of an HTY should have the opportunity to file surrebuttal testimony and sur-cross-answer testimony that is limited to responding to testimony that opposes the Intervenor's HTY advocacy.

91. Public Service takes the position that surrebuttal testimony and sur-cross-answer testimony are not necessary in this Proceeding because:

a. Those advocating for an HTY will use one of PSCo's HTYs. PSCo's testimony and attachments support the PSCo HTYs. Under these circumstances, an Intervenor does not need more than one opportunity (*i.e.*, answer testimony) to address its advocated HTY.

b. Nothing of an evidentiary nature will come up in surrebuttal testimony and sur-cross-answer testimony that will not be the subject of cross-examination by Intervenors that advocate the use of an HTY.

c. In the 2014 PSCo Electric Rate Case, which presented similar issues, no Intervenor requested, and the Commission *sua sponte* did not order, the opportunity to present surrebuttal testimony and sur-cross-answer testimony.

d. The situation in this Proceeding in which an Intervenor advocates for an HTY, uses a PSCo HTY as the basis of the advocated HTY, and proposes one or more

adjustments to the PSCo HTY is no different than the rate case situation in which an intervenor proposes adjustments to a revenue requirement model that is part of the Company's direct case. This situation is common in a rate case, and there is no testimony past rebuttal testimony.

e. Surrebuttal testimony and sur-cross-answer testimony are rarely permitted in Commission Proceedings.

f. The Company is the party with the ultimate burden of proof in this Proceeding. Under Colorado law and Commission practice, the party with the ultimate burden of proof traditionally gets the last evidentiary word (*i.e.*, rebuttal testimony).

92. The Intervenors take the position that surrebuttal testimony and sur-cross-answer testimony are necessary in this Proceeding because:

a. Each Intervenor that advocates for the adoption of an HTY has the ultimate burden of proof with respect to that issue and, to be consistent with Colorado law and Commission practice, gets the last evidentiary word (*i.e.*, surrebuttal testimony and sur-cross-answer testimony) on that issue.

b. From the perspective of an Intervenor that advocates use of an HTY, answer testimony is the Intervenor's direct testimony on the HTY issue, and rebuttal testimony is the Company's answer testimony on the HTY issue. An Intervenor that advocates an HTY is entitled to rebut -- through surrebuttal testimony -- the Company's answer testimony on the HTY issue.

c. From the perspective of an Intervenor that advocates use of an HTY, answer testimony is the Intervenor's direct testimony on the HTY issue, and cross-answer testimony is another Intervenor's answer testimony on the HTY issue. An Intervenor that

advocates an HTY is entitled to rebut -- through sur-cross-answer testimony -- another Intervenor's answer testimony on the HTY issue.

d. Without surrebuttal testimony and sur-cross-answer testimony, an Intervenor that advocates the use of an HTY has no opportunity to respond through testimony to testimony that opposes the HTY. This is a significant disadvantage to the Intervenor.

e. Although surrebuttal testimony and sur-cross-answer testimony are unusual in Commission Proceedings, they have been permitted in appropriate situations such as this Proceeding in which there is more than one Party with the burden of proof.

93. Whether to permit surrebuttal testimony and sur-cross-answer testimony lies in the discretion of the trier of fact. For the following reasons, in the exercise of her sound discretion, the ALJ will permit surrebuttal testimony and sur-cross-answer testimony in this Proceeding.

94. First, although surrebuttal testimony and sur-cross-answer testimony are unusual in Commission Proceedings, they have been permitted in situations in which more than one Party has the burden of proof on a pivotal issue in the case. In this Proceeding and assuming at least one Intervenor advocates for an HTY, more than one Party will have the burden of proof on these pivotal issues: (a) the type of test year (*i.e.*, FTY or HTY) the Commission will use to determine the Company's revenue requirement; and (b) the final revenue requirement that the Commission will order.

95. Second, as a matter of fundamental fairness, an Intervenor that advocates the use of an HTY is entitled to rebut, with evidence, the evidence presented by Parties that oppose the use of an HTY. Parties that oppose the use of an HTY will present their evidence opposing the use of an HTY in rebuttal testimony and cross-answer testimony. An Intervenor that advocates

the use of an HTY can present evidence in response only if the Intervenor is permitted to file surrebuttal testimony and sur-cross-answer testimony. This is a significant consideration in the ALJ's decision to permit surrebuttal testimony and sur-cross-answer testimony in this Proceeding.

96. Third, as a matter of fundamental fairness, an Intervenor that sponsors an HTY is entitled to rebut, with evidence, the evidence presented by Parties that propose adjustments to the HTY presented by the sponsoring Intervenor. Parties that propose adjustments to a proffered HTY will present evidence in support of their proposed adjustments in rebuttal testimony and cross-answer testimony. The Intervenor that sponsors the HTY to which another Party recommends adjustments can present evidence in response only if that Intervenor is permitted to file surrebuttal testimony and sur-cross-answer testimony. This is a significant consideration in the ALJ's decision to permit surrebuttal testimony and sur-cross-answer testimony in this Proceeding.

97. Fourth, PSCo appears to suggest that cross-examination is an adequate substitute for surrebuttal testimony and sur-cross-answer testimony in this Proceeding. In this case, the ALJ disagrees. Using cross-examination to respond to answer testimony on HTYs is significantly less efficient and can be significantly more time-consuming during the evidentiary hearing than is having a witness present rebuttal testimony. If surrebuttal testimony and sur-cross-answer testimony are not permitted, an Intervenor that advocates the use of an HTY must respond to the HTY-related answer evidence (presented in rebuttal testimony and cross-answer testimony) through cross-examination; this process is difficult, inefficient, and time-consuming.

98. Fifth and finally, permitting prefiled surrebuttal testimony and sur-cross-answer testimony will make the evidentiary hearing more efficient by permitting the Intervenor to present, through their own witnesses, rebuttal evidence on the issue of HTY; by allowing Parties to narrow their cross-examination because the testimony is available in advance of the evidentiary hearing; and by permitting discovery on the prefiled surrebuttal testimony and sur-cross-answer testimony that may have the effect of narrowing cross-examination or encouraging settlement discussions.

99. Permitting prefiled surrebuttal testimony and sur-cross-answer testimony will shorten the evidentiary hearing and, in this Proceeding, is administratively efficient. The ALJ will permit prefiled surrebuttal testimony and sur-cross-answer testimony for the limited purpose of allowing an Intervenor that advocates adoption of an HTY to rebut the answer HTY testimony presented in rebuttal testimony and cross-answer testimony.

b. Pipeline System Integrity Adjustment.

100. At the prehearing conference, the Intervenor generally reserved their right to advocate for the adoption of a new PSIA or a significantly-altered PSIA.²⁰ No Intervenor stated that, at this time, it has definite plans to advocate for a new PSIA or for a significantly-altered PSIA. As with the HTY, each Intervenor that advocates for the adoption of a new PSIA or a significantly-altered PSIA has the burden of proof with respect to that advocacy.

101. As no Intervenor stated that it will file testimony that advocates the adoption of either a new PSIA or a significantly-altered PSIA, the ALJ does not address whether to permit prefiled surrebuttal testimony and sur-cross-answer testimony with respect to the PSIA.

²⁰ As used in this Interim Decision, significantly-altered PSIA refers to an Intervenor proposing something more than adjustments to the existing PSIA or to the modifications proposed by PSCo in its direct case but something less than a completely new (or complete substitution) PSIA.

An Intervenor that proposes a new PSIA or a significantly-altered PSIA may file a motion for leave to file surrebuttal testimony and sur-cross-answer testimony if the Intervenor believes such testimony is necessary. As the procedural schedule has a date for filing surrebuttal testimony and sur-cross-answer testimony, granting a motion for leave to file surrebuttal testimony and sur-cross-answer testimony (assuming that such a motion is filed) should have no impact on the procedural schedule.

102. Absent further order, no surrebuttal testimony and sur-cross-answer testimony will be permitted on the issue of the PSIA.

C. Unopposed Joint Motion to Place Interim Rates into Effect on October 1, 2015.

103. On May 15, 2015, the Parties filed an Unopposed Joint Motion to Place Interim Rates into Effect on October 1, 2015 (Interim Rate Motion).

104. The Interim Rate Motion references the rates proposed by Public Service in the tariffs appended to the Advice Letter filed on March 3, 2015. Since the filing of the Interim Rate Motion and as discussed above, Public Service has filed an Amended Advice Letter with appended tariffs that have a different effective date but that are otherwise identical to the tariffs appended to the March 3, 2015 Advice Letter. The Amended Advice Letter and appended tariffs supersede in their entirety the March 3, 2015 Advice Letter and appended tariffs.

105. Filing the Amended Advice Letter and tariffs with a modified effective date was part of the negotiated package of agreements that resulted in the Parties' proposed procedural schedule. May 6 tr. at 115:18-116:16. Thus, at the time the Parties reached the agreement set out in the Interim Rate Motion, the Parties knew that Public Service would file the Amended Advice Letter and knew that the only difference would be a change in the effective date of the proposed

tariffs. For these reasons, the ALJ will treat the Interim Rate Motion as pertaining to the rates contained in the proposed tariffs appended to the Amended Advice Letter filed on May 19, 2015.

106. As discussed above, the ALJ has suspended the effective date of the tariffs filed on May 19, 2015 until October 22, 2015. The effective date may be suspended for an additional 90 days (*i.e.*, until January 20, 2016).

107. In the Interim Rate Motion, the Parties state that the motion is part of the agreement reached among the Parties that allows sufficient time for the Commission to issue its decision in this Proceeding by January 20, 2016. As good cause to grant the Interim Rate Motion, the Parties state:

Prior to and during the Prehearing Conference, the Parties negotiated a consensus procedural schedule and stipulated to certain procedural matters. The ALJ adopted the consensus procedural schedule and approved the stipulated procedural matters. One of the stipulated procedural matters was that Public Service would file this Unopposed Joint Motion to obtain approval of the agreement and Stipulation to place the rates and tariffs filed with [the Amended Advice Letter] into effect on October 1, 2015, as interim rates, subject to refund with interest. The stipulated interest on any refund after entry of the Commission's final decision setting rates will be calculated at the average bank loan prime rate reported by the Federal Reserve for the Refund Period, which for several years has been and currently is 3.25 percent.

The Parties agree that this stipulation as to interim rates, subject to refund with interest, is just and reasonable and was necessary to negotiate the consensus procedural schedule adopted by the ALJ at the Prehearing Conference. Hence, there is good cause for the Commission to conclude that the stipulation is just and reasonable, and the Commission should approve the interim rate stipulation.

Interim Rate Motion at 4. The referenced Refund Period is October 1, 2015 through at least the effective date of the Commission Decision in this Proceeding.

108. The Interim Rate Motion states good cause. The proposal allows the Commission adequate time within which to issue its decision in this Proceeding; allows the Company's revenue requirement, the MYRP, the PSIA, and the other issues to be considered in one

evidentiary hearing; and affords protection to the Company's customers in the event the Commission-ordered GRSA is lower than the GRSA that goes into effect on October 1, 2015. In addition, the proposed refund condition is of short duration (*i.e.*, October 1, 2015 to approximately January 20, 2016). Finally, approving the refund condition affects neither the burden of proof nor the burden of going forward in this Proceeding.

109. The ALJ will grant the Interim Rate Motion. On October 1, 2015, Public Service will put into effect as interim rates, subject to refund with interest, the GRSA increase for 2015 contained in the tariffs appended to the Amended Advice Letter. In addition, on October 1, 2015, Public Service will put into effect the tariffs necessary to effectuate the interim rates.

110. The Interim Rate Motion does not contain the details of the refund process. The ALJ notes that placing interim rates in effect subject to refund was ordered in the 2012 Gas Rate Case under circumstances very similar to those in this Proceeding. The ALJ expects (but does not order) that, if a refund is necessary, the process used to refund monies to ratepayers will be similar to the refund process approved in the 2012 Gas Rate Case and explained in Decision No. R13-0279-I²¹ at ¶ 32.

D. Unopposed Motion to Extend the PSIA for Six Months.

111. On May 20, 2015, the Parties filed an Unopposed Motion to Extend the PSIA for Six Months (Motion to Extend PSIA). Filing the Motion to Extend PSIA was part of the negotiated package of agreements that resulted in the Parties' proposed procedural schedule. May 6 tr. at 115:18-116:16.

²¹ That Interim Decision was issued on March 5, 2013 in the 2012 Gas Rate Case.

112. In that filing, the Parties state that all Parties request that the Commission grant the Motion to Extend PSIA. As the filing is unopposed, the ALJ finds that waiving response time to the Motion to Extend PSIA will not prejudice any Party. The ALJ will waive response time to the Motion to Extend PSIA.

113. In the Motion to Extend PSIA, the Parties request that the ALJ extend the PSIA through and including June 30, 2016 and, pursuant to Rule 4 CCR 723-1-1502(d), certify that ruling as immediately appealable to the Commission. If the Motion to Extend PSIA is granted and the ruling is certified, the Parties will file the appropriate motion with the Commission in order to obtain a Commission Decision approving the extension of the PSIA.

114. As good cause to grant the requested extension, the Parties state:

The Commission created the PSIA when it approved a Settlement Agreement, with a minor modification, and the PSIA tariffs in Public Service's 2010 Gas Rate Case[.] ... Initially, the PSIA had a term of three calendar years and was to expire on December 31, 2014. (*See* Decision No. C11-0946, ¶¶ 29-31, p. 9). In the 2012 Gas Rate Case, the Commission extended the term of the PSIA for one year, through December 31, 2015. (Decision No. C13-1568, ¶ 103, p. 31; in Proceeding No. 12AL-1268G.)

Prior to and during the Prehearing Conference, the Parties negotiated a consensus procedural schedule and stipulated to certain procedural matters. The ALJ adopted the consensus procedural schedule and approved the stipulated procedural matters. One of the stipulated procedural matters was that, in return for Public Service's agreement to the negotiated procedural schedule, the Parties agreed to an extension of the PSIA for an additional six months, to and including June 30, 2016. This agreement and stipulation to extend the PSIA was necessary because the term and structure of the PSIA going forward are critical major issues in this rate case, and because the negotiated procedural schedule would result in issuance of the Commission's final decision in the instant proceeding after the

December 31, 2015 expiration of the PSIA. (See Transcript, Prehearing Conference, 5/6/15 at page 106, line 18 - page 109, line 1.)

Motion to Extend PSIA at 2-3 (footnote omitted).²²

115. At the prehearing conference, counsel for Public Service provided additional information concerning the reasons underpinning this “essential component of the negotiated procedural schedule” (May 6 tr. at 106:13-14):

We originally believed we needed [a Commission Decision in this Proceeding] ... at the end of October, because ... the Commission ordered that the PSIA would end December 31st of 2015.

Having a decision [by October 30, 2015] would give us [the Company] time to evaluate if we were not allowed to continue the PSIA, which projects we should proceed with and which we have to reschedule and make a lot of other adjustments regarding operations without the PSIA clause.

The staff proposed, in order to get us to a consensus schedule, that we consider agreeing to an extension of the PSIA so that we could get a Commission decision later than [October 30, 2015]. In the end, after much negotiation between the parties, we agreed to a six-month extension to the PSIA through [June 30, 2016].

And it's important to Public Service to have that extension so that we avoid that gap if, in the end, the Commission's decision is to either reject the PSIA as we've proposed or to end it completely without the extension we've asked for.

And I understand all of the intervenors agreed to that [PSIA] extension [through June 30, 2016]. Procedurally, what we [the Parties] believe we must do is ask you [the ALJ] -- either in this prehearing conference or if you need a written motion -- to extend PSIA through June 30th, 2016, as part of your approval of this procedural schedule.

We [the Parties] believe you could do that in an interim order if you agree with the parties on that point; and because the Commission itself had entered the order regarding the termination of the PSIA, we -- the lawyers at least [believe] that we need to get the Commission to decide whether the extension of the PSIA would be approved.

²² The referenced Decision No. C11-0946 was issued on September 1, 2011 in Proceeding No. 10AL-963G, *In the Matter of Advice Letter No. 791 Filed by Public Service Company of Colorado to Increase the Rates for All Natural Gas Sales and Transportation Services by Implementing a General Rate Schedule Adjustment (“GRSA”) in the Company's Colorado P.U.C. No. 6 Gas Tariff to be Effective January 17, 2011.*

The referenced Decision No. C13-1568 was issued on December 23, 2013.

And Rule 1502 on interim decisions gives us the ability, if Your Honor agrees, to do that.

If you agree with this procedural schedule, which included the negotiated extension of the PSIA through June 30, [2016], and you did an interim order to that effect, we would ask you also, under Rule 1502(d) to certify that portion of your interim decision as immediately appealable for review by Commission en banc, which would allow the parties to immediately file a motion with the Commission to ask them to approve your approval of the extension of the PSIA

through June 30, 2016. May 6 tr. at 106:23-108:19.

116. The Motion to Extend PSIA, as supplemented by the statements made during the prehearing conference, states good cause. The proposal allows the Commission adequate time within which to issue its decision in this Proceeding; allows the Company's revenue requirement, the MYRP, the PSIA, and the other issues to be considered in one evidentiary hearing; and affords the Company sufficient time within which to implement the Commission Decision in this Proceeding, a decision likely to be issued not later than January 20, 2016. In addition, the proposed extension of the PSIA is of relatively short duration (*i.e.*, six months).

117. For the reasons stated by PSCo counsel during the prehearing conference, the Parties' request for Rule 4 CCR 723-1-1502(d) certification is reasonable and appropriate under the circumstances. Because the Commission ordered the extension of the PSIA through December 31, 2015 by Decision No. C13-1568, the better approach is to allow the Parties to seek Commission approval of the extension granted by this Interim Decision.

118. For these reasons, the ALJ will grant the Motion to Extend PSIA; will extend the PSIA through and including June 30, 2016; and, pursuant to Rule 4 CCR 723-1-1502(d), will certify as immediately appealable to the Commission the ruling that extends the PSIA. To be clear, the ALJ certifies as immediately appealable only the ruling that extends the PSIA.

E. Evidentiary Hearing, Procedural Schedule, and Related Matters.

119. The 210-day suspension period for the tariffs appended to the Amended Advice Letter expires on January 20, 2016. The Parties proposed a procedural schedule²³ that the ALJ finds acceptable because it allows the ALJ to hold one evidentiary hearing covering all issues raised in this Proceeding and allows the Commission to issue its decision in this Proceeding by January 20, 2016. The ALJ will adopt the Parties' proposed procedural schedule with additions and clarifications.

120. The ALJ will adopt the following procedural schedule: (a) not later than **May 18, 2015**, the Parties will hold the first settlement conference in this Proceeding; (b) not later than **June 3, 2015**, Public Service will file its supplemental direct testimony and attachments on the CY 2014 HTY; (c) hearings to take public comment will be held on **June 16, 17, and 18, 2015**; (d) not later than **June 24, 2015**, each Intervenor will file its answer testimony and attachments, which will include the Intervenor's "direct" testimony and attachments in support of an HTY, its "direct" testimony and attachments in support of a new PSIA or a significantly-altered PSIA, or both; (e) not later than **July 20, 2015**, Public Service will file its rebuttal testimony and attachments, which will include "answer" testimony and attachments in response to Intervenor's "direct" HTY and PSIA²⁴ testimony and attachments; (f) not later than **July 20, 2015**, each Intervenor will file cross-answer testimony and attachments,²⁵ which will include "answer" testimony and attachments in response to other Intervenor's "direct" HTY and PSIA²⁶ testimony

²³ As discussed above, the Parties arrived at the proposed procedural schedule as part of a comprehensive package of agreements.

²⁴ This is the Intervenor's testimony and attachments in support of a new PSIA or a significantly-altered PSIA.

²⁵ Cross-answer testimony responds only to the answer testimony of another Intervenor.

²⁶ This is the Intervenor's testimony and attachments in support of a new PSIA or a significantly-altered PSIA.

and attachments; (g) not later than **August 3, 2015**, an Intervenor that advocates for use of an HTY will file surrebuttal testimony and attachments limited to the HTY issue;²⁷ (h) not later than **August 3, 2015**, an Intervenor that advocates for use of an HTY will file sur-cross-answer testimony and attachments limited to the HTY issue;²⁸ (i) not later than **August 7, 2015**, each Party will file corrected testimony and attachments; (j) not later than **August 7, 2015**, each Intervenor (by electronic mail) will provide to Public Service the Intervenor's order of witnesses, any limitations on a witness's availability for hearing, and the Intervenor's estimates of cross-examination by witness;²⁹ (k) not later than **August 12, 2015**, the Parties will file any stipulation³⁰ or settlement agreement³¹ reached; (l) not later than **August 14, 2015**, each Party will file prehearing motions, including motions *in limine* and motions to strike testimony or attachments;³² (m) not later than **August 14, 2015**, Public Service (by electronic mail) will provide to the ALJ and to the Intervenor's an exhibit list and a matrix that contains the order of witnesses, any limitations on a witness's availability for hearing, and each Party's estimates of cross-examination by witness;³³ (n) the evidentiary hearing will be held on **August 18 through 21, 24 through 28, and 31, 2015**; and (o) not later than **September 14, 2015**, each Party will file its statement of position, to which (absent further order) no response will be permitted.

²⁷ Only an Intervenor that advocates an HTY may file surrebuttal testimony and attachments to respond to "answer" HTY testimony presented in PSCo's rebuttal testimony and attachments.

²⁸ Only an Intervenor that advocates an HTY may file sur-cross-answer testimony and attachments to respond to "answer" HTY testimony presented in another Intervenor's cross-answer testimony and attachments.

²⁹ This is a new requirement. The ALJ includes this requirement to make the evidentiary hearing more efficient.

³⁰ Rule 4 CCR 723-1-1407 governs and pertains to stipulations.

³¹ Rule 4 CCR 723-1-1408 governs and pertains to settlement agreements.

³² The ALJ will hear argument on pending prehearing motions as a preliminary matter on the first day of hearing.

³³ This is a new requirement. The ALJ includes this requirement to make the evidentiary hearing more efficient.

121. A Party may file a motion for leave to file a response to a statement of position if: (a) the Party seeks to respond to an issue raised in a statement of position that the Party could not reasonably have anticipated; (b) the motion is accompanied by the response the Party seeks to file; and (c) the Party files the motion no later than **September 23, 2015**. The ALJ will **shorten, to two business days, the response time to a motion for leave to file a response to a statement of position.**

122. In order to accommodate a Commission decision by January 20, 2016, the Parties proposed shortening response time to exceptions. The ALJ will **shorten -- to seven calendar days from the date of service of exceptions -- the response time to exceptions.**

123. The ALJ will not schedule a final prehearing conference at this time. Should a Party believe that a final prehearing conference would be beneficial, the Party may file an appropriate motion.

124. **The Parties are advised and are on notice that** for prehearing motions -- other than motions pertaining to discovery -- filed on and after August 4, 2015, no written response need be filed. **The Parties are advised and are on notice that** for prehearing motions -- other than motions pertaining to discovery -- filed on and before August 3, 2015, Rule 4 CCR 723-1-1400 applies.

125. To assist the Commission, the ALJ, and the Parties and to help maintain the evidentiary record, the ALJ will order that the cover sheet of a witness's testimony identify the type(s) of testimony presented in the testimony.³⁴ In addition, to the extent one witness's

³⁴ For example, in one witness's testimony, Public Service may file rebuttal testimony, HTY answer testimony, and PSIA answer testimony.

testimony contains more than one type of testimony, the ALJ will order that the witness, within the testimony, differentiate clearly the point at which each type of testimony begins and ends.

126. **The Parties are advised, and are on notice, that** absent a showing of unusual circumstances, the ALJ will not permit a Party to ask its witness, as part of the witness's oral direct testimony, to make corrections to prefiled testimony or to an attachment to prefiled testimony. A sponsoring Party must assure that all necessary corrections are prefiled in accordance with the procedural schedule and must assure that, when offered as a hearing exhibit, its witness's testimony and attachments are as prefiled, including the corrections filed pursuant to the procedural schedule.

127. With respect to all documents (including testimony and attachments) that contain highly confidential information³⁵ or confidential information,³⁶ or both, the ALJ will order:

a. If an entire document is not confidential, each portion that contains confidential information must be clearly marked (that is, shaded),³⁷ and each page on which the confidential information appears must state at the top (*e.g.*, in the heading): "This page contains confidential information as shown."

b. If an entire document is not highly confidential, each portion that contains highly confidential information must be clearly marked (that is, shaded),³⁸ and each page on which the highly confidential information appears must state at the top (*e.g.*, in the heading): "This page contains highly confidential information as shown."

³⁵ As used in this Interim Decision, highly confidential information is information that the Commission or the ALJ has determined, in this Proceeding, is highly confidential and that is subject to an order for extraordinary protection.

³⁶ As used in this Interim Decision, confidential information is information that a party claims is confidential and that is filed under seal with the Commission.

³⁷ As an example: This portion of the sentence is **confidential**.

³⁸ As an example: This portion of the sentence is **highly confidential**.

c. If the same page contains both confidential information *and* highly confidential information, the highly confidential information must be differentiated from the confidential information (that is, by use of different shading),³⁹ and each page must state at the top (*e.g.*, in the heading): “This page contains highly confidential information and confidential information as shown.”

d. The public version of a document that contains confidential information or highly confidential information, or both, must have the confidential and highly confidential information redacted⁴⁰ and must be marked as the public version.

e. A sponsoring Party must assure that, where possible, the page numbers and the line numbers are the same on the public version of a document, the confidential version of the document, and the highly confidential version of the document.

f. Rule 4 CCR 723-1-1100(c) requires the cover page of a document to state that the document (*e.g.*, testimony and attachments) contains confidential information and to identify where in the document the confidential information is found. The same notice requirement applies to a document that contains highly confidential information. The Parties must comply with this Rule requirement.

F. Hearings to Take Public Comment.

128. Hearings to take public comments allow ratepayers to make statements that will inform the decision in this Proceeding. The ALJ will hold hearings to take public comment:

³⁹ As an example: This sentence contains both confidential information and highly confidential information.

⁴⁰ As an example: This portion of the sentence is [REDACTED].

(a) **June 16, 2015** in Grand Junction, Colorado; (b) **June 17, 2015** in Pueblo, Colorado; and
(c) **June 18, 2015** in Denver, Colorado.

129. As is its usual practice, in reaching its decision in this case the Commission will consider both the oral comments made during the hearings to take public comment and the written comments submitted in this Proceeding. None of these comments is evidence.

130. The following procedures will apply at each hearing to take public comment:

a. Each hearing to take public comment will begin at 4:00 p.m. and will continue until concluded, but not later than 7:00 p.m. The hearing room will be available approximately one-half hour before the beginning of the hearing to take public comment.

b. The ALJ will make an introductory statement to inform those in attendance about the general subject matter of this Proceeding and about the procedures to be followed during the hearing to take public comment.

c. There will be a sign-in sheet. Persons who wish to make statements will sign in and will make their statements in the order in which they signed in.

d. An individual who is a representative of, an employee of, or a member of a Party in this Proceeding will not be permitted to make a statement at the hearings to take public comment. Parties make their statements through testimony at the evidentiary hearing and the submission of statements of position.

e. The amount of time allotted to each speaker will depend (at least in part) on the number of individuals who wish to make statements. Typically, each speaker will have five minutes to make a statement.

f. The ALJ will ask questions of each speaker to establish the speaker's name and place of residence or place of business and to establish whether the speaker is a gas customer of Public Service.

g. Only the Denver hearing to take public comment will be webcast.

131. The hearings to take public comment hearing will be reported. The ALJ encourages the Parties to order a transcript of each hearing to take public comment.

G. Discovery-related Matters.

132. Except as modified by this Interim Decision, Rule 4 CCR 723-1-1405 will govern discovery.

133. Subject to Rules 4 CCR 723-1-1100 and 723-1-1101 and the extraordinary protections ordered in Interim Decisions granting extraordinary protections, discovery requests and discovery responses will be served on all Parties.

134. Subject to Rules 4 CCR 723-1-1100 and 723-1-1101 and the extraordinary protections ordered in Interim Decisions granting extraordinary protections, discovery requests will be served by electronic mail.

135. Subject to Rules 4 CCR 723-1-1100 and 723-1-1101 and the extraordinary protections ordered in Interim Decisions granting extraordinary protections, discovery responses will be served by electronic mail.

136. Parties may serve written discovery not later than 5:00 p.m. Mountain Time (MT) on Monday through Thursday (other than the day before a State holiday), may serve written discovery not later than 3:00 p.m. MT on Friday, and may serve written discovery not later than 3:00 p.m. MT on the day before a State holiday. Written discovery served later than these stated times will be deemed to be served on the next business day.

137. To accommodate the surrebuttal testimony and sur-cross-answer testimony, the ALJ will order these last dates to propound written discovery in lieu of the dates stated in Rule 4 CCR 723-1-1405(d):

a. *discovery addressed to direct testimony and attachments and to supplemental direct testimony and attachments:* the last date to propound written discovery is the date on which answer testimony and attachments are to be filed;

b. *discovery addressed to answer testimony and attachments:* the last date to propound written discovery is the date on which rebuttal testimony and attachments and cross-answer testimony and attachments are to be filed;

c. *discovery addressed to rebuttal testimony and attachments:* the last date to propound written discovery is the date on which surrebuttal testimony and attachments are to be filed;

d. *discovery addressed to cross-answer testimony and attachments:* the last date to propound written discovery is the date on which sur-cross-answer testimony and attachments are to be filed;

e. *discovery addressed to surrebuttal testimony and attachments:* the last date to propound written discovery is **August 6, 2015**; and

f. *discovery addressed to sur-cross-answer testimony and attachments:* the last date to propound written discovery is **August 6, 2015**.

138. To accommodate the surrebuttal testimony and sur-cross-answer testimony, the ALJ will order these response times to written discovery in lieu of the response times stated in Rule 4 CCR 723-1-1405(b):

a. *discovery addressed to direct testimony and attachments and to supplemental direct testimony and attachments:* response time to written discovery is ten calendar days from the date of service;

b. *discovery addressed to answer testimony and attachments:* response time to written discovery is ten calendar days from the date of service; and

c. *discovery addressed to all other types of testimony and attachments:* response time to written discovery is seven calendar days from the date of service.

139. Parties may not serve written discovery requests using the E-Filings System and may not serve written discovery responses using the E-Filings System. **The Parties are advised and are on notice that** if the E-Filings System is used to propound written discovery, the discovery is deemed not to be served. **The Parties are advised and are on notice that** if the E-Filings System is used to respond to written discovery, the response is deemed not to be served.

140. Motions pertaining to discovery may be filed at any time. The ALJ will **shorten, to three business days, the response time to a motion pertaining to a discovery.** If necessary, the ALJ will hold a hearing on a discovery-related motion as soon as practicable after the motion and response are filed.

H. Confidential Information and Highly Confidential Information.

141. Except as modified by this Interim Decision, Rules 4 CCR 723-1-1100 and 723-1-1101 will govern treatment of confidential information; will govern treatment of highly confidential information; and will govern motions for extraordinary protection of highly confidential information.

142. **The Parties are advised, and are on notice, that** information in this Proceeding will not be deemed to be, and will not be treated as, highly confidential information *unless* a Party has filed in this Proceeding, and the ALJ has granted, a motion seeking extraordinary protection for the information that is claimed to be highly confidential.

I. Miscellaneous Matters Pertaining to Hearing Exhibits.

143. Each type of a witness's testimony and attachments (*e.g.*, direct, answer, rebuttal, cross-answer) will be one hearing exhibit.

144. Hearing exhibits will be marked numerically and sequentially, beginning with the number 1, irrespective of the sponsoring Party.

145. Prefiled testimonies and attachments will be the first hearing exhibits and will be given hearing exhibit numbers so that all testimonies and attachments sponsored by one witness have sequential exhibit numbers. As an example, assume that FEA witness Brown prefiles answer testimony and attachments and cross-answer testimony and attachments; her testimonies and attachments would be marked as Hearing Exhibits No. 20 (answer) and No. 21 (cross-answer).

146. With respect to marking hearing exhibits that contain highly confidential information or confidential information, or both:

a. a witness's testimony and attachments that contain *confidential information* will be marked as Confidential Hearing Exhibit No. XXA and will be submitted at hearing in a separate and sealed envelope marked in accordance with Rule 4 CCR 723-1-1100(c)(III);

b. a witness's testimony and attachments that contain *highly confidential information* will be Highly Confidential Hearing Exhibit No. XXB and will be submitted at

hearing in a separate and sealed envelope marked in accordance with Rule 4 CCR 723-1-1100(c)(III);

c. if a page contains both confidential information and highly confidential information, the highly confidential information will be redacted from the page in the Confidential Hearing Exhibit; and

d. if a page contains both confidential information and highly confidential information, the highly confidential information will be differentiated (by different shading) from the confidential information in the Highly Confidential Exhibit.

147. As an example of hearing exhibit marking, assume that EOC witness Jones-Smith files answer testimony and attachments that contain confidential information and highly confidential information and files sur-cross-answer testimony and attachments that contain highly confidential information. His answer testimony and attachments are given one hearing exhibit number (in the example, Hearing Exhibit No. 40); the confidential version is Confidential Hearing Exhibit No. 40A; and the highly confidential version is Highly Confidential Hearing Exhibit No. 40B. His sur-cross-answer testimony and attachments are given one hearing exhibit number (in the example, Hearing Exhibit No. 41); and the highly confidential version is Highly Confidential Hearing Exhibit No. 41B.

II. ORDER

A. It Is Ordered That:

1. The proposed effective date, June 24, 2015, of the tariff pages filed by Public Service Company of Colorado (Public Service) with Amended Advice Letter No. 876-Gas is suspended for 120 days until October 22, 2015, or until further order of the Commission.

2. The Petition to Intervene filed by Climax Molybdenum Company is granted.

3. Climax Molybdenum Company is an Intervenor and a Party in this Proceeding.
4. The Motion to Intervene filed by the Colorado Gas Transporters is granted.
5. The Colorado Gas Transporters is an Intervenor and a Party in this Proceeding.
6. The Expedited Unopposed Motion to Amend Motion to Intervene and Entry of Appearance filed by Energy Outreach Colorado is granted.
7. Energy Outreach Colorado is permitted to file an Amended Motion to Intervene and Entry of Appearance.
8. The Amended Motion to Intervene and Entry of Appearance filed by Energy Outreach Colorado is granted.
9. Energy Outreach Colorado is an Intervenor and a Party in this Proceeding.
10. The Petition to Intervene filed by WoodRiver Energy, LLC, is granted.
11. WoodRiver Energy, LLC, is an Intervenor and a Party in this Proceeding.
12. Consistent with the discussion above, the Motion for Extraordinary Protection of Highly Confidential Information, which motion was filed on March 10, 2015 by Public Service, is granted.
13. Consistent with the discussion above, the information described above in ¶ 50 is highly confidential information.
14. Consistent with the discussion above, the information determined to be highly confidential in Ordering Paragraph No. 13 is subject to, and shall be treated in accordance with, the extraordinary protections described above in ¶¶ 55, 57, 60, and 63.
15. Consistent with the discussion above, the Unopposed Joint Motion to Place Interim Rates into Effect on October 1, 2015 is granted.

16. On October 1, 2015, Public Service shall put into effect as interim rates subject to refund with interest the General Rate Schedule Adjustment increase for 2015 contained in the tariff pages appended to the Amended Advice Letter.

17. On October 1, 2015, Public Service shall put into effect the tariff pages necessary to effectuate the interim rates ordered in Ordering Paragraph No. 16.

18. Consistent with the discussion above, the Unopposed Motion to Extend the PSIA for Six Months is granted.

19. Consistent with the discussion above and absent further order, the Pipeline System Integrity Adjustment is extended through and including June 30, 2016.

20. Pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1502(d), the ruling made in Ordering Paragraph No. 19 is certified as immediately appealable to the Commission.

21. The **evidentiary hearing** in this Proceeding is scheduled for the following dates, at the following times, and in the following location:

DATES: August 18 through 21, 24 through 28, and 31, 2015

TIME: 9:00 a.m. each day

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

22. A **hearing to take public comment** in this Proceeding is scheduled for the following date, at the following time, and in the following location:

DATE: June 16, 2015

TIME: 4:00 p.m. until concluded, but not later than 7:00 p.m.

PLACE: National Guard Maintenance Shop
2810 Riverside Parkway, FMD # 3
Grand Junction, Colorado

23. Consistent with the discussion above, the procedures for hearings to take public comment shall govern this hearing to take public comment.

24. A **hearing to take public comment** in this Proceeding is scheduled for the following date, at the following time, and in the following location:

DATE: June 17, 2015

TIME: 4:00 p.m. until concluded, but not later than 7:00 p.m.

PLACE: El Pueblo History Museum
301 North Union
Pueblo, Colorado

25. Consistent with the discussion above, the procedures for hearings to take public comment shall govern this hearing to take public comment.

26. A **hearing to take public comment** in this Proceeding is scheduled for the following date, at the following time, and in the following location:

DATE: June 18, 2015

TIME: 4:00 p.m. until concluded, but not later than 7:00 p.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

27. Consistent with the discussion above, the procedures for hearings to take public comment shall govern this hearing to take public comment.

28. Consistent with the discussion above, the following procedural schedule is adopted: (a) not later than May 18, 2015, the Parties shall hold the first settlement conference in this Proceeding; (b) not later than June 3, 2015, Public Service shall file its supplemental direct testimony and attachments on the Calendar Year 2014 Historical Test Year; (c) not later than June 24, 2015, each Intervenor shall file its answer testimony and attachments, which shall include the Intervenor's "direct" testimony and attachments in support of a Historical Test Year

(HTY), its “direct” testimony and attachments in support of a new Pipeline System Integrity Adjustment (PSIA) or a significantly-altered PSIA, or both; (d) not later than July 20, 2015, Public Service shall file its rebuttal testimony and attachments, which shall include “answer” testimony and attachments in response to Intervenor’s “direct” HTY and PSIA testimony and attachments; (e) not later than July 20, 2015, each Intervenor shall file cross-answer testimony and attachments, which shall include “answer” testimony and attachments in response to other Intervenor’s “direct” HTY and PSIA testimony and attachments; (f) not later than August 3, 2015, an Intervenor that advocates for use of an HTY shall file surrebuttal testimony and attachments limited to the HTY issue; (g) not later than August 3, 2015, an Intervenor that advocates for use of an HTY shall file sur-cross-answer testimony and attachments limited to the HTY issue; (h) not later than August 7, 2015, each Party shall file corrected testimony and attachments; (i) not later than August 7, 2015, each Intervenor (by electronic mail) shall provide to Public Service the Intervenor’s order of witnesses, any limitations on a witness’s availability for hearing, and the Intervenor’s estimates of cross-examination by witness; (j) not later than August 12, 2015, the Parties shall file any stipulation or settlement agreement reached; (k) not later than August 14, 2015, each Party shall file prehearing motions; (l) not later than August 14, 2015, Public Service (by electronic mail) shall provide to the Administrative Law Judge and to the Intervenor’s an exhibit list and a matrix that contains the order of witnesses, any limitations on the availability of a witness for hearing, and each Party’s estimates of cross-examination by witness; and (m) not later than September 14, 2015, each Party shall file its statement of position, to which (absent further order) no response will be permitted.

29. Not later than September 23, 2015, a Party may file a motion for leave to file a response to a statement of position. The motion shall conform to ¶ 121.

30. The time within which to file a response to a motion for leave to file a response to a statement of position is shortened to two business days.

31. The time within which to file a response to exceptions to the Recommended Decision issued in this Proceeding is shortened to seven calendar days from the date of service of the exceptions.

32. Consistent with the discussion above, the cover sheet of a witness's testimony shall identify the type(s) of testimony presented in the testimony.

33. Consistent with the discussion above, within prefiled testimony that contains more than one type of testimony, a witness shall differentiate clearly the point at which each type of testimony begins and ends.

34. Consistent with the discussion above, Parties shall comply with ¶ 127.

35. Except as modified by this Interim Decision, Rule 4 *Code of Colorado Regulations* 723-1-1405 shall govern discovery in this proceeding.

36. The provisions of ¶¶ 133-40 shall govern discovery in this Proceeding.

37. The response time to a motion pertaining to discovery is shortened to three business days.

38. Except as modified by this Interim Decision, Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101 shall govern treatment of information claimed to be confidential and shall govern the treatment of information claimed to be highly confidential in this Proceeding.

39. Information is not, and will not be treated as, highly confidential information in this Proceeding unless a motion seeking extraordinary protection for the information has been granted in this Proceeding.

40. Rule 4 *Code of Colorado Regulations* 723-1-1100 shall govern motions for extraordinary protection of information claimed to be highly confidential in this Proceeding.

41. Consistent with the discussion above, the verified Motion for Leave to Appear *Pro Hac Vice* filed by Lt. Col. John C. Degnan on April 22, 2015, which motion was supplemented on May 4, 2015, is granted.

42. Consistent with the discussion above, Lt. Col. John C. Degnan is granted permission to appear in this Proceeding *pro hac vice* as counsel for Federal Executive Agencies.

43. Lt. Col. John C. Degnan is held to the advisement contained in ¶ 32.

44. Consistent with the discussion above, the verified Motion for Leave to Appear *Pro Hac Vice* filed by Capt. Juan Godinez on April 22, 2015, which motion was supplemented on May 4, 2015, is granted.

45. Consistent with the discussion above, Capt. Juan Godinez is granted permission to appear in this Proceeding *pro hac vice* as counsel for Federal Executive Agencies.

46. Capt. Juan Godinez is held to the advisement contained in ¶ 36.

47. Consistent with the discussion above, the verified Motion for Leave to Appear *Pro Hac Vice* filed by Thomas A. Jernigan on April 22, 2015, which motion was supplemented on May 4, 2015, is granted.

48. Consistent with the discussion above, Thomas A. Jernigan, Esquire, is granted permission to appear in this Proceeding *pro hac vice* as counsel for Federal Executive Agencies.

49. Thomas A. Jernigan, Esquire, is held to the advisement contained in ¶ 40.

50. The Expedited Unopposed Motion for Excusal of Federal Executive Agencies Pro Hac Vice Associated Counsel, which motion was filed on May 5, 2015, is granted.

51. Consistent with the discussion above, Wesley E. McConnell, Esquire, is excused from further participation in this Proceeding.

52. The Request for Shortened Response Time filed on April 24, 2015 by Energy Outreach Colorado is granted.

53. Response time to the Expedited Unopposed Motion to Amend Motion to Intervene and Entry of Appearance is shortened to the May 6, 2015 prehearing conference in this Proceeding.

54. The Request for Shortened Response Time filed on May 5, 2015 by Federal Executive Agencies is granted.

55. Response time to the Expedited Unopposed Motion for Excusal of Federal Executive Agencies Pro Hac Vice Associated Counsel is waived.

56. Response time to the Unopposed Motion to Extend the PSIA for Six Months is waived.

57. The Parties are held to the advisements in the Interim Decisions issued in this Proceeding.

58. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director