

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

PROCEEDING NO. 15A-0589E

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IN THE MATTER OF THE APPLICATION OF THE CITY OF BOULDER, COLORADO FOR APPROVAL OF THE PROPOSED TRANSFER OF ASSETS FROM PUBLIC SERVICE COMPANY OF COLORADO TO THE CITY AND ASSOCIATED AUTHORIZATIONS AND RELIEF.

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**INTERIM DECISION LIFTING STAY AND  
ORDERING STATUS CONFERENCE**

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Mailed Date: August 14, 2019

Adopted Date: August 14, 2019

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**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision, we order a status conference at which the City of Boulder (Boulder), Public Service Company of Colorado (Public Service), IBM Corp. (IBM), and Staff of the Public Utilities Commission (Staff) are to appear and answer questions regarding the outstanding issues and pleadings in this proceeding.

**B. Background**

2. On September 14, 2017, the Commission issued Decision No. C17-0750, granting in part and with conditions, and denying in part, Boulder's Third Supplemental Verified Application for Approval of the Proposed Transfer of Assets from Public Service Company of Colorado filed May 12, 2017. In Decision No. C17-0750, the Commission determined, to the extent necessary as of the date of the order, how Public Service's facilities should be assigned, divided, or jointly used to protect Public Service's electric distribution system's effectiveness, reliability, and safety, as required by the Boulder District Court in Order Re: Judicial Review of the Colorado Public Utilities Commission Decision, *City of Boulder v. Pub. Utils. Comm'n*, Case No. 14CV30047 (Boulder District Court, January 14, 2015).

3. Decision No. C17-0750 approved the designation of certain assets outside substations for transfer from Public Service to Boulder, subject to Boulder demonstrating compliance with three conditions.<sup>1</sup> Boulder was directed to file with the Commission for final approval:

- 1) An agreement between Boulder and Public Service through which Public Service would receive permanent non-exclusive easements and other real property rights for the location of Public Service's electric facilities within Boulder's city limits that are necessary for Public Service to provide service to its customers after the separation of Boulder from the system;
- 2) A corrected list of assets for transfer outside of substations; and
- 3) An agreement(s) between Boulder and Public Service addressing the payment by Boulder to Public Service for costs incurred to separate the systems.

These filings were to be made within 90 days of the issue date of Decision No. C17-0750. Public Service was directed to assist Boulder in good faith in Boulder's efforts to satisfy the

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<sup>1</sup> Decision No. C17-0750, Ordering ¶ 2.

conditions.<sup>2</sup> The Commission stated that this proceeding may conclude with a final decision designating the assets for transfer (those outside of the substations) from Boulder to Public Service upon the Commission's satisfaction that Boulder has complied with these conditions.<sup>3</sup>

4. On December 13, 2017, Boulder filed a Report to the Commission Regarding Agreements with Public Service Company of Colorado and Request for Additional Time to Satisfy Commission Conditions (First Request for Additional Time). The Commission granted the First Request for Additional Time through Decision No. C17-1065-I, issued December 22, 2017, extending the filing date to March 13, 2018.

5. On March 13, 2018, Boulder and Public Service filed a Joint Report to the Commission Regarding Agreements Between the City of Boulder and Public Service Company of Colorado and Request for Additional Time to Satisfy Commission Conditions (Second Request for Additional Time). The Commission granted the Second Request for Additional Time through Decision No. C18-0181-I, issued March 14, 2018, extending the filing date to June 11, 2018.

6. On June 11, 2018, Boulder and Public Service filed a Joint Report to the Commission Regarding Agreements Between the City of Boulder and Public Service Company of Colorado and Request for Additional Time to Satisfy Commission Conditions, stating that progress has been made with regard to several of the required agreements, but that there were "several critical sticking points" yet to be resolved through negotiations. Through Decision No. C18-0492-I, issued June 20, 2018, the Commission ordered a status conference at which representatives of Boulder and Public Service were directed to appear and answer questions

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<sup>2</sup> Decision No. C17-0750, Ordering ¶ 4.

<sup>3</sup> Decision No. C17-0750, ¶ 10.

regarding the process overall and whether the resources allocated to the negotiations had or would have a negative impact on Public Service's ratepayers.

7. On June 29, 2018, the Commission held the status conference. Representatives of Boulder and Public Service answered questions regarding the status of negotiations and stated that they expected the cost agreement(s) and agreement(s) granting Public Service permanent access to easements could be filed by August 24, 2018. Boulder's attorney also clarified that the corrected list of assets would not be completed by August 24, 2018, and requested an extension to September 1, 2018, to file the corrected list of assets. Through Decision No. C18-0557-I, issued July 16, 2018, the Commission extended to August 24, 2018, the date for filing an agreement regarding permanent easements and an agreement regarding payment for separation of the electric distribution systems; and granted Boulder's oral request for a separate filing day for the corrected list of assets. The Commission also required Boulder and Public Service to file status reports describing Public Service's monthly costs incurred in the negotiations related to the development of the filings required by Decision No. C17-0750 and an updated Timeline for Municipalization Activities.

8. On August 24, 2018, Boulder and Public Service filed a Joint Motion for Extension of Time to File a Cost Agreement and Permanent Easement Agreement and a Joint Motion for Extension of Time to File Corrected List of Assets (collectively, Fourth Request for Additional Time). Boulder and Public Service stated that they had reached an initial consensus on a Cost Agreement, but that the agreement needed to be approved by the Boulder City Council following notice and a public hearing and by Public Service internal approvals. Boulder and Public Service also stated that the Permanent Easement Agreement was completed but had yet to be approved by the Boulder City Council through a notice and public hearing process. Boulder

and Public Service requested an extension to September 28, 2018, to file the Cost Agreement and the Permanent Easement Agreement.

9. On August 31, 2018, through Decision No. C18-0742-I, the Commission granted, with modifications the Fourth Request for Additional Time. The Commission granted an extension to October 26, 2018, to file permanent easements agreement(s), cost agreement(s), and a corrected list of assets for transfer. The three filings were to be made as a single filing to allow a 30-day period during which parties could review the agreements and the corrected asset list and, if necessary, request a hearing, as provided in ¶ 163 of Decision No. C17-0750.

10. In Decision No. C18-0742-I, the Commission also stated that Boulder and Public Service must submit the filings required by Decision No. C17-0750 for Commission approval prior to the commencement of any condemnation action and that information about modifications to Boulder's schedule with regard to the condemnation process would be helpful. Boulder was therefore directed to file a statement by October 26, 2018, indicating when it anticipated commencing the condemnation process.

11. On October 26, 2018, Boulder and Public Service filed a Joint Notice of Filing of Permanent Easement Agreement, Cost Agreements, and Corrected List of Assets Outside Substations and Boulder's Report Regarding the Commencement of Condemnation Proceedings (Joint Notice of the Filing Agreements and Asset List). This filing included four exhibits: Permanent Easement Agreement (Exhibit 1), Interim Cost Agreement (Exhibit 2), Cost Agreement (Exhibit 4), Corrected List of Assets (Exhibit 5A, asset list with corrections, and Exhibit 5B, real property interests).

12. Boulder and Public Service stated in the Joint Notice of Filing of Agreements and Asset List that they had begun negotiating an easement sharing agreement to govern how the two

utilities would operate in a shared easement that includes both electric distribution facilities acquired by Boulder, and other facilities retained by Public Service to provide gas distribution and gas or electric transmission service. However, the easement sharing agreement was still being negotiated at the time of the filing. Boulder and Public Service stated that they filed the other agreements and corrected asset list so that parties to the proceeding could begin reviewing those documents, and requested permission to file the easement sharing agreement by November 16, 2018, with the 30-day period during which parties could request a hearing commencing on the date the easement sharing agreement was filed.

13. In compliance with Decision No. C18-0742-I, Boulder stated that it had begun the process for condemnation by obtaining updated appraisals. Additionally, the Boulder City Council had scheduled consideration of the ordinance to re-authorize condemnation on first reading on November 8, 2018, and second reading and public hearing on December 4, 2018. Boulder stated that it would “commence a condemnation proceeding after meeting the prerequisites therefor, if good faith negotiations with Public Service are not successful.”<sup>4</sup>

14. On November 16, 2018, Boulder filed a Motion for Final Approval of Designation of Assets Outside Substations for Transfer; the City of Boulder and Public Service Company of Colorado’s Motion for Modification of Certain Provisions of Paragraphs 155 and 156 of Decision No. C17-0750 (Motion for Final Approval), with Exhibit 6, Easement Sharing Agreement. Boulder and Public Service request that ¶ 155 of Decision No. C17-0750 be modified to provide that they do not need to complete, *in this proceeding*, the identification of all easements and other property interests associated with the assets Boulder seeks to acquire, and that ¶ 156 be modified to provide that Public Service does not need to complete, *in this*

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<sup>4</sup> Joint Notice at p. 20.

*proceeding*, the identification of the easements and other property interests that share an easement with the electric distribution facilities, including the portion of any such easement Public Service must retain to provide gas or transmission service, and that ¶¶ 155 and 156 be modified to accept the Easement Sharing Agreement in lieu of completing, *in this proceeding*, the requirement of ¶¶ 155 and 156.

15. In the Motion for Final Approval, Boulder notes that ¶ 161 of Decision No. C17-0750 provides that the Commission’s review and approval of the filings required by Decision No. C17-0750 was “in the public interest, because it is the most reliable means for the Commission to protect remaining Public Service ratepayers from paying costs that should be borne by Boulder;”<sup>5</sup> ¶ 162 of the Decision requires Boulder to submit the filings required for final approval of the designation of assets for transfer outside the substations; and ¶ 163 allows any party to the proceeding to file a request for hearing on all or parts of the filing by Boulder no later than 30 days after the filing is submitted. Boulder requested an order setting the commencement date of the 30-day period as the filing date of the Motion for Final Approval. The Commission granted that request on January 3, 2019, in Decision No. C19-0004-I.

16. Through the Motion for Final Approval, Boulder requests that the Commission issue an order that, among other requirements: 1) approves the Permanent Easement Agreement, the Interim Cost Agreement, the Cost Agreement, and the Easement Sharing Agreement; 2) approves Exhibit 5A as the list of facilities outside substations designated for transfer; 3) approves a perpetual, non-exclusive easement or similar partial interest in the Public Service easements and other property interests associated with the assets outside substations that Boulder acquires through negotiation or condemnation including, but not limited to, the easements and

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<sup>5</sup> Motion for Final Approval at ¶ 15.

other property interests on Exhibit 5B; and 4) states that the Commission has no opinion on any condemnation matters relating to property interests.

17. On December 17, 2018, IBM filed a Request for Hearing, Request for Clarification, and Request for Status Conference. IBM states that it requests a hearing to determine if any IBM property is included in Exhibits 5A or 5B, and requests confirmation that Boulder does not have Commission approval to condemn assets and property inside substations, particularly Substation F.

18. On December 17, 2018, Staff filed a Request for Hearing, requesting an informal status hearing to discuss the ordinance passed by the Boulder City Council (Ordinance 8302) authorizing acquisition of Public Service's assets, and to discuss the status and design of substations after separation.

19. On December 17, 2018, Tri-State Generation and Transmission Association, Inc. (Tri-State) filed a Request for Hearing, seeking clarification and confirmation that Boulder does not have Commission approval to condemn assets and property inside substations, seeking clarification as to the procedure for acquiring assets inside substations, and requesting a status conference.

20. On January 4, 2019, Boulder filed a Response to Requests for Hearing and Status Conference. Boulder states that the assets designated for transfer outside substations include all of the Public Service-owned electric facilities and property rights used by Public Service to serve IBM. Boulder states that a hearing is not necessary to address the issues raised by IBM, Staff, and Tri-State, as those issues can be addressed through a "cooperative process." Boulder further requests that the Commission grant the Motion for Final Approval because no party has objected.



21. Boulder also represents that, for assets inside substations, Boulder and Public Service continue to work through the open access transmission tariff (OATT) process. Boulder states that when “the few remaining open issues identified in the System Impact Study are resolved” and the Commission has granted the Motion for Final Approval, Boulder will have met the Commission’s requirements to proceed with the municipalization process. Boulder states that there is no need for a further Commission proceeding to review the conclusions of the OATT process.<sup>6</sup>

22. With regard to Ordinance 8302, Boulder states that the Ordinance is not subject to Commission review or approval and that Commission action regarding the Ordinance is unwarranted and unnecessary.

23. On January 10, 2019, Boulder filed a Notice of Filing of Affidavits in Response to IBM’s Hearing Request. This filing included sworn affidavits of Thomas Ghidossi, Boulder Chief Substation Engineer, and Steven Catanach, Boulder Director of Climate Initiatives and Chief Engineer for assets outside substations, attesting that the property interests related to Substation F are within Public Service’s easement, that the assets sought to serve IBM are within Substation F, and that explanatory emails had been sent to IBM’s attorney.

24. On January 15, 2019, a pre-hearing conference was held by an Administrative Law Judge (ALJ), pursuant to ¶ 163 of Decision No. C17-0750. Through Decision No. R19-0075-I, issued January 18, 2019, an evidentiary hearing was set for February 25 and 26, 2019, before the ALJ.

25. On January 15, 2019, Boulder filed Exhibit 5B as a confidential exhibit with reception numbers for each real property interest. Boulder notes that the reception numbers are

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<sup>6</sup> Boulder’s January 4 Response at pp. 2-3.

included only for the 1,476 property interests identified by Boulder, and that all remaining reception numbers must be provided by Public Service.

26. On January 18, 2019, Public Service filed its Notice of Withdrawal from Joint Motion for Modification of C17-0750; Notice of Company's Objections to the List of Assets; or in the Alternative, Motion for Leave to File Out of Time Objections to the Asset List and Request for Hearing (Notice of Withdrawal). In the Notice of Withdrawal, Public Service states that Exhibit 5B is inaccurate, including, among other errors, the IBM easement. Public Service further states that the affidavit of Steven Catanach filed by Boulder on January 10, 2019, confirms that Exhibit 5A includes distribution conductors inside Substation F.

27. On January 25, 2019, Public Service filed a Petition for Declaratory Orders with Regard to the Portion of Commission Decision C17-0750 Concerning Public Service Assets (Real and Personal) Inside Substations (Petition for Declaratory Orders). Through the Petition for Declaratory Orders, Public Service requests that the Commission issue an order stating that Boulder may not proceed to condemnation of assets inside substations until Boulder and Public Service reach an agreement on the transfer and an application is filed and granted.

28. On January 29, 2019, IBM filed a Notice of Support and Joinder of Relief Sought in Petition for Declaratory Order. Also on January 29, 2019, Staff filed its Notice Concerning Public Service Company's Petition for Declaratory Order. On January 30, 2019, Tri-State filed its Notice Regarding Public Service Company's Petition for Declaratory Orders.

29. On January 29, 2019, Boulder filed Hearing Exhibits for the February 25 and 26, 2019 hearing before the ALJ, consistent with the directives of Decision No. R19-0075-I. This filing included the Exhibit 5A-List of Facilities Designated for Transfer Outside Substations; Confidential Exhibit 5B-Designation of Easements and Property Interests; Cost Agreement

between Boulder and PSCo; Easement Sharing Agreement between Boulder and PSCo; and Depiction of distribution assets and associated real property interests at Substations A through F.

30. On February 1, 2019, Staff filed a Response to Public Service Company's Notices and Alternative Motion and Request for Hearing, encouraging the Commission to grant Public Service's request in its Motion to Withdraw to present evidence of incompleteness or inaccuracies in the asset lists.

31. On February 1, 2019, Boulder and Public Service filed a Joint Unopposed Motion to Stay Commission Action on Pending Matters for Two Weeks (Motion to Stay), and a Joint Unopposed Motion to Modify Interim Decision No. R19-0075-I, to Toll Proceeding for Two Weeks (Motion to Modify Decision). Boulder and Public Service state that they are negotiating a number of disputed matters and request time to attempt to resolve issues.

32. On February 4, 2019, by Decision No. R19-0136-I, the ALJ granted the Motion to Modify Decision. By that decision, the ALJ also vacated the evidentiary hearing scheduled for February 25 and 26, 2019.

33. On February 8, 2019, by Decision No. C19-0151-I, the Commission granted, with modifications, Boulder and Public Service's Motion to Stay. The Commission stayed all pending matters in the proceeding until further order and required filings. The Commission directed Boulder to file, by February 15, 2019, any court filings or related written documents exchanged with Public Service regarding the commencement of a condemnation action. Additionally, the Commission directed Boulder to confer with parties and develop and file a proposal addressing and resolving all outstanding issues and pleadings. That filing was to be made concurrent with Boulder's response to the Notice of Withdrawal and Petition for Declaratory Orders. Through

Decision No. C19-0151-I, the Commission also rescinded the referral of matters to an ALJ, pursuant to Ordering Paragraph No. 3 of Decision No. C17-0750.

34. On February 14, 2019, Boulder filed a Notice of Filing of Documents Pursuant to Commission Decision No. C19-0151-I, stating that no condemnation proceedings had commenced and included a copy of Ordinance 8302 and its Notice of Intent to Acquire sent to Public Service on January 31, 2019. Boulder stated that Public Service had not responded to the Notice of Intent to Acquire.

35. On June 12, 2019, Boulder filed its Combined Response in Opposition to: (1) Petition for Declaratory Orders; and (2) Notice of PSCo's Withdrawal from the Joint Motion for Modification; Objections to the List of Assets; or In the Alternative, Motion for Leave to File Out of Time Objections and Request for Oral Argument (Combined Response). Through this filing, Boulder requests that the Commission schedule oral argument for the purpose of resolving disputes and enabling Boulder to proceed with its municipalization efforts. Boulder states that the Petition for Declaratory Orders is an untimely application for rehearing, reargument, or reconsideration and should be dismissed. Boulder further states that while it intends to "honor and participate in the Commission process,"<sup>7</sup> it intends to proceed with the condemnation process, stating that the processes can run in parallel. Boulder states that good faith negotiations have failed and it will make a final offer to Public Service, which Public Service will have until June 26, 2019, to accept. Should further negotiations become futile, Boulder states that it will file a petition in condemnation, which Boulder states "should not be taken as an abandonment of

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<sup>7</sup> Combined Response at ¶ 8.

the City's commitment to the ongoing Commission process, nor is it inconsistent with the Commission's Decision."<sup>8</sup>

36. With respect to Exhibit 5A, Boulder states that no IBM assets are included in the list, save underground distribution feeder cables that do not meet the definition of "inside the substation;" an explanatory note will be included with Exhibit 5A. Boulder states that Public Service has indicated it will provide a version of Exhibit 5B, which would resolve any outstanding issues in the Notice of Withdrawal.

37. Boulder also provides detail as to the OATT process followed for assets within substations and states that it anticipates that by mid- to late-June 2019 Boulder will be able to share with parties and file with the Commissions an exhibit identifying assets for transfer inside substations and the final Public Service SIS report. Boulder points out that approval of agreements for facilities inside substations is jurisdictional to the Federal Energy Regulatory Commission.

38. Boulder further states that a new application is not necessary prior to Boulder filing for condemnation.

39. With respect to the Notice of Withdrawal, Boulder states that it has satisfied the Commission's requirements and that it may now file for condemnation. Boulder states that no new information has been provided regarding real property interests or facilities outside substations. Boulder therefore requests that the Commission reject the Petition for Declaratory Orders and deny the Notice of Withdrawal. Boulder also requests that the Commission entertain oral argument so that Boulder can present its arguments.

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<sup>8</sup> Combined Response at ¶ 10.

40. On June 12, 2019, Boulder filed a Notice Regarding Proposed Process to Address and Resolve Outstanding Issues. Boulder states that it has conferred with parties and has discussed a proposal for resolving issues, which Boulder has attempted to address. Boulder proposes the following process: filing of the Proposed Process; filing of a Combined Response; comments from parties received within seven days; Facilities Studies Agreement shared with all parties; completion of the Amendment to the Agreement for Payment; Boulder and Public Service agreement on list of assets and real property interests inside substations; co-location operations and maintenance (COM) Agreements completed and shared with parties; and filing of Exhibits 5A and 5B and the Facilities Study Agreement and any other completed substation agreements. Parties would be given 14 days to respond.

41. On June 19, 2019, Public Service filed a Response to the City of Boulder's Notice of Proposed Procedures and to the Combined Response in Opposition, stating the Boulder is incorrect that Boulder has satisfied all Commission conditions and can file a condemnation action and that Boulder does not offer a way to resolve disagreements regarding the process and resolving issues related to assets inside substations. Public Service further questions the validity of Exhibit 5B and states that the Commission must review Exhibit 5B to ensure the system's effectiveness, reliability, and safety. Public Service states that it would appear before the Commission to discuss the issues if oral argument would be helpful.

42. On June 19, 2019, IBM filed its Response to Boulder's Combined Response in Opposition and Request the Commission Continue to Hear this Matter En Banc. IBM states that Public Service's Petition for Declaratory Orders is not an application for rehearing, reargument, or reconsideration and that the clarification sought in the Petition for Declaratory Orders is necessary to protect customers, particularly IBM. Additionally, IBM contests Boulder's position

that Boulder has met the requirements of Decision No. C17-0750, and opposes Boulder's proposed process to proceed in this proceeding, stating that parties have not yet seen finalized Exhibits 5A and 5B, the Facilities Studies, or the COM Agreements.

43. On June 19, 2019, Staff filed its Response to Boulder's Notice, requesting that the Commission accept Public Service's Petition for Declaratory Orders and issue an order clarifying the Commission's expectations of Boulder and Public Service prior to Boulder filing a condemnation action.

44. On June 28, 2019, Boulder filed a Notice of the Filing of the June 28, 2019 Corrected List of Facilities Outside Substations (Exhibit 5A); Notice Regarding Status of List of Property Interests Outside Substations (Exhibit 5B); and Notice Regarding the Filing of Condemnation Case. Boulder states Public Service and Boulder have agreed that no facilities have been added or removed from the list since it was filed on October 26, 2018, but that an explanatory note has been added addressing distribution feeders that are inside substation fences at two substations. Additionally, Boulder states that, along with Public Service, it has advised IBM representatives that no IBM-owned assets are on Exhibit 5A. Boulder states that it anticipates filing Exhibit 5B by July 8, 2019. Finally, Boulder states that on June 28, 2019, it filed its condemnation action in district court.

45. On August 2, 2019, Boulder filed its Notice of Filing the August 2, 2019 Corrected List of Property Interests Outside Substations (Exhibit 5B). Through this filing, Boulder states that it has met all requirements of Decision No. C17-0750 for the transfer of assets outside substations.

46. On August 12, 2019, Public Service filed a Notice Regarding Boulder Filings of June 28<sup>th</sup> and August 2<sup>nd</sup>. Through this filing Public Service states that it objects to Boulder's

statements that Exhibits 5A and 5B are complete and ready for Commission review. Public Service also states that issues remain with regard to assets within substations, including substation co-location and cost agreements and creation of a substation asset list.

**C. Findings and Conclusions**

47. It is appropriate to lift the stay of this proceeding, ordered in Decision No. C19-0151-I, issued on February 8, 2019.

48. There are outstanding pleadings in this proceeding. In order to rule on these pleadings and move this proceeding forward efficiently and expeditiously, it is necessary for the Commission to understand what issues and pleadings the parties see as outstanding.

49. A status conference is the most efficient method to address the disposition of this proceeding. Therefore, a status conference is ordered to be held on Wednesday, August 21, 2019.

50. Representatives of Boulder, Public Service, and IBM are ordered to appear at the status conference. These parties are directed to file written responses to the questions listed below **by 5:00 p.m. on Monday, August 19, 2019**. The Commission intends to discuss these and related questions with parties at the status conference.

Boulder

1. What is Boulder's anticipated timeline for receiving a final Commission decision so that Boulder can move forward with its municipalization efforts?
2. Does Boulder intend to put any decisions regarding municipalization before the Boulder electorate on the 2019 ballot?
3. Given Boulder's anticipated timeline, what is Boulder's proposed procedural schedule for resolving outstanding issues and pleadings, including if ordered by the Commission, the filing of testimony and exhibits and an evidentiary hearing?



Public Service

1. What are the issues the Public Service sees as still outstanding?
2. What due process is Public Service seeking at the Commission prior to a final Commission decision approving the designation of assets for transfer? Why? Has Public Service not had time to review documents or does it still have outstanding concerns?

IBM

1. Identify any outstanding concerns with regard to the exhibits filed.
2. Identify any other outstanding concerns

Boulder, Public Service, and IBM

1. With regard to the filings associated with the conditions of Decision No. C17-0750, what do the parties agree to and what is in dispute?
2. What is required to reach agreement on Exhibits 5A and 5B?
3. Is there a subset of assets for transfer that the parties agree Boulder can proceed now to seek to condemn in district court?
4. In keeping with the Order Re: Judicial Review of the Colorado Public Utilities Commission Decision, *City of Boulder v. Pub. Utils. Comm'n*, Case No. 14CV30047 (Boulder District Court, January 14, 2015), what part(s) of this proceeding can be done in parallel with a condemnation action?
5. What process do the parties recommend as to potential mediation?

51. Other parties to this proceeding may also provide written responses to the questions listed above, as applicable and subject to the filing deadline, and appear at the status conference.

**II. ORDER****A. It Is Ordered That:**

1. The stay of this proceeding by Decision No. C19-0151-I, issued on February 8, 2019, is lifted.

2. A status conference to discuss the disposition of Proceeding No. 15A-0589E will be held:

DATE: Wednesday, August 21, 2019  
TIME: 2:00 p.m.  
PLACE: Commission Hearing Room  
1560 Broadway Street, Suite 250  
Denver, Colorado

3. Consistent with the discussion above, representatives of the City of Boulder, Public Service Company of Colorado, and IBM Corp. shall appear at the status conference and be prepared to address the questions listed in the discussion above along with any other questions posed by the Commissioners with regard to the status of Proceeding No. 15A-0589E. Staff of the Public Utilities Commission is also ordered to appear at the status conference and may be asked to answer questions by the Commissioners.

4. Written responses to the questions listed in the discussion above shall be filed **by 5:00 p.m. on August 21, 2019.**

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 14, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners