

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

PROCEEDING NO. 19AL-0268E

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IN THE MATTER OF ADVICE LETTER NO. 1797 FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO RESET THE CURRENTLY EFFECTIVE GENERAL RATE SCHEDULE ADJUSTMENT (“GRSA”) AS APPLIED TO BASE RATES FOR ALL ELECTRIC RATE SCHEDULES AS WELL AS IMPLEMENT A BASE RATE KWH CHARGE, GENERAL RATE SCHEDULE ADJUSTMENT-ENERGY (“GRSA-E”) TO BECOME EFFECTIVE JUNE 20, 2019.

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**INTERIM DECISION WAIVING RESPONSE TIME AND  
MODIFYING PROCEDURAL SCHEDULE**

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Mailed Date: August 30, 2019  
Adopted Date: August 28, 2019

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision the Commission shortens response time to the Office of Consumer Counsel’s (OCC) verified motion and extends the answer testimony, rebuttal testimony, and cross-answer testimony deadlines.

**B. Discussion**

2. On July 2, 2019, Public Service Company of Colorado (Public Service) filed a consensus procedural schedule which the OCC signed on to and approved. The Commission approved the consensus procedural schedule during its August 7, 2019 weekly meeting and the resulting decision, Decision No. C19-0709-I, issued on August 23, 2019.

3. On August 26, 2019, the OCC filed this verified motion seeking an extension for its own answer testimony deadline and requesting shortened response time. In the verified motion, the OCC requests that its answer testimony deadline be moved to September 20, 2019

from September 6, 2019 because Public Service has provided late responses to many of the OCC's discovery requests. It filed Attachments A through H to support its contention. The OCC also notes that Public Service has "generally completed its [discovery] responses that were due through . . . August 22 and provided additional responses in a timely fashion on August 25."<sup>1</sup>

4. On August 27, 2019, Colorado Energy Consumers (CEC), Energy Outreach Colorado, Western Resource Advocates (WRA), AARP, and Commission Staff filed responses. They argue that any extension of the answer testimony deadline given to OCC should apply to all intervenors. CEC points out that the Commission should keep the rebuttal and cross-answer testimony deadlines concurrent, and urges the Commission not to extend those two deadlines beyond October 11, 2019. WRA and Commission Staff asserts that they, too, have received untimely discovery responses from Public Service.

5. Public Service also filed a response on August 27, 2019. It opposes extending the answer testimony deadline because it is now current on its discovery obligations. But it admits that it was tardy producing some responses, and it offers that if the Commission believes an extension is warranted, it should extend the answer testimony by one week, and rebuttal and cross-answer testimony by three days.

6. None of the parties that filed responses opposed the OCC's request to shorten response time to the motion.

### **C. Conclusions and Findings**

7. We find good cause to shorten response time to the motion. OCC's counsel indicates that he circulated a draft order to the parties to this proceeding and included a response from Public Service in the motion itself. Given the upcoming deadlines, the notice provided the

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<sup>1</sup> Verified Motion at ¶ 10.

parties, and the fact that no responding party opposed the relief, we will waive the remaining response time to the motion.

8. We also find that the delayed discovery responses constitute good cause to extend the answer testimony deadline. While Public Service indicates that it is no longer behind in producing the information the other parties need for this case, that does not mitigate the delay and hassle the OCC and other parties have suffered while developing their answer testimony. At Public Service's request, the Commission accelerated this proceeding with the goal of having rates in place by January 1, 2020. We expect Public Service to honor its obligations, and will not shift the cost of Public Service's failure to meet those obligations onto the other parties in this proceeding. Accordingly, we conclude that the answer testimony deadline for all parties should be moved to September 20, 2019.

9. Because we have moved the answer testimony deadline we will accept Public Service's proposal to also move the rebuttal and cross-answer testimony deadlines. Rebuttal and cross-answer testimony will be due October 11, 2019.

10. We have reproduced the new procedural schedule here:

Answer Testimony (last day to serve discovery on Direct Testimony)	September 20, 2019
Rebuttal and Cross-Answer Testimony (last day to serve discovery on Answer Testimony)	October 11, 2019
Prehearing Motions	October 18, 2019
Corrections to Testimony	October 25, 2019
Settlements	October 30, 2019

Evidentiary Hearing

November 4-8, 2019  
(and 12-13 if needed)

Statements of Position

November 22, 2019

## **II. ORDER**

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

1. Any remaining response time to the Verified Motion of the Colorado Office of Consumer Counsel to Delay Filing Answer Testimony and Request for Shortened Response Time filed by the Office of Consumer Counsel on August 26, 2019 is waived, consistent with the discussion above.

2. The procedural schedule is modified as discussed above. Answer testimony is now due September 20, 2019. Rebuttal and cross-answer testimony is now due October 11, 2019.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 28, 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