

Decision No. C19-0927-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19F-0620E

LA PLATA ELECTRIC ASSOCIATION, INC.,

COMPLAINANT,

V.

TRI-STATE GENERATION AND TRANSMISSION
ASSOCIATION, INC.,

RESPONDENT.

**INTERIM DECISION SHORTENING
RESPONSE TIME TO MOTION**

Mailed Date: November 13, 2019
Adopted Date: November 13, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. In this formal complaint filed on November 5, 2019, La Plata Electric Association, Inc. (La Plata) alleges that Tri-State Generation and Transmission Associate, Inc. (Tri-State) has blocked its efforts to exercise its lawful withdrawal rights and has now placed a moratorium on providing member exit charges altogether. La Plata also alleges that Tri-State is working to attempt to eliminate the Commission's jurisdiction altogether through its actions at the Federal Energy Regulatory Commission. La Plata goes on to allege that Tri-State has displayed a lack of candor to this Commission, the Colorado General Assembly, and its own members necessitating this complaint. La Plata requests that the Commission exercise its jurisdiction to confirm the unlawfulness of: (1) Tri-State's position that it can unjustly,

unreasonably, and discriminatorily deny an exit charge to La Plata; and (2) Tri-State's actual refusal to provide La Plata an exit charge. If the Commission determines Tri-State's conduct is unlawful, La Plata requests the Commission, under its statutory authority adjudicate a just, reasonable, and nondiscriminatory exit charge.

2. On November 5, 2019, La Plata filed a Motion Requesting Establishment of a Procedural Schedule, and Assignment of Hearing Commissioner—or in the Alternate, Hearing *En Banc* (Motion).

3. Pursuant to the Motion, La Plata requests that the Commission act now to establish a procedural schedule. Rather than wait until after Tri-State files its answer before setting a procedural schedule, La Plata argues that the actions of Tri-State require establishing a procedural schedule at the outset with the filing of testimony to commence in December 2019.

4. La Plata argues that the procedural schedule it proposes is not expedited per se, but is expedited in the sense that La Plata requests a procedural schedule now rather than after Tri-State files its answer. It is also appropriate to establish a procedural schedule now according to La Plata given the likelihood of preliminary motions practice by Tri-State. According to La Plata, the proposed procedural schedule is intended to accommodate to some degree, such motions practice. In addition, La Plata requests that a Hearing Commission or in the alternate, the Commission hear this matter *en banc*.

5. On November 6, 2019, Commission Director Doug Dean sent an Order to Satisfy or Answer letter informing Tri-State of the formal complaint as well as an Order Setting Hearing and Notice of Hearing. The Order set a hearing for January 20, 2020.

6. On November 7, 2019, an Amended Order Setting hearing and Notice of Hearing was issued amending the hearing date to January 21, 2020.

7. We find it appropriate to shorten response time to the Motion to close of business on Friday, November 15, 2019. This will allow us to take up the merits of the Motion at the November 20, 2019 Weekly Meeting.

II. ORDER

A. It Is Ordered That:

1. Response time to the Motion filed by La Plata Electric Association, Inc. on November 5, 2019 Requesting Establishment of a Procedural Schedule and Assignment of Hearing Commission—or in the Alternate, Hearing *En Banc* is shortened to close of business on Friday, November 15, 2019.

2. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING November 13, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners