

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

PROCEEDING NO. 20D-0262E

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IN THE MATTER OF VERIFIED PETITION OF SUNSHARE, LLC FOR A DECLARATORY ORDER APPROVING A RENEWABLE ENERGY CREDIT ADDER.

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**INTERIM DECISION SETTING DATES FOR SUBMISSION  
OF REPLY BRIEFS AND FILINGS REGARDING  
NECESSITY OF AN EVIDENTIARY HEARING**

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Mailed Date: July 31, 2020

Adopted Date: July 29, 2020

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. By this Decision, the Commission requires that any reply briefs be filed on or before August 6, 2020 in response to the responsive briefs filed in this proceeding by July 27, 2020. We also require that parties submit a filing in this proceeding on or before August 10, 2020 asserting whether an evidentiary hearing is necessary. If a party asserts an evidentiary hearing is necessary, the party should provide sufficient support to show that such a hearing is needed.

2. On June 17, 2020, SunShare, LLC (SunShare) filed a Petition for Declaratory Order (Petition) requesting the Commission enter an order declaring that Public Service may reform the price paid for Renewable Energy Credits (RECs) for renewable energy production under five of SunShare's Producer Agreements resulting from Public Service's 2018 Solar\*Rewards Community Solar Garden (CSG) Request for Proposals process. Additionally, SunShare requests a one-time waiver of Public Service's creditworthiness requirement concerning the use of a parent guarantee.

3. Through Decision No. C20-0472-I, issued June 29, 2020, we accepted and issued notice of the Petition, granted SunShare's request for the Commission to take up the matter *en banc*, and set a partial procedural schedule including requiring that briefs in response to the Petition be filed by July 27. Through Decision No. C20-0506-I, issued July 14, 2020, the Commission addressed interventions, SunShare's motion for extraordinary protection, and required that parties confer upon a procedural schedule for the remainder of the proceedings.

4. On July 17, 2020, after conferral with the parties, SunShare submitted a response to Decision No. C20-0506-I, including a proposed date of August 6, 2020 for reply briefs to be filed. We find this is sufficient time for parties to prepare replies, and therefore require that reply briefs be filed on or before August 6, 2020, in response to the responsive briefs.

5. Additionally, SunShare's July 17 pleading demonstrates that the parties do not agree on whether an evidentiary hearing is needed. Trial Staff of the Colorado Public Utilities Commission continues to request an evidentiary hearing, while the Colorado Office of Consumer Council and the Colorado Energy Office wish to review the July 27 responses and any replies before making such a determination. SunShare claims an evidentiary hearing is not necessary, stating that one is not required under the Commission's rules, that a hearing would unnecessarily delay the proceeding, and that the balance of the interests weigh in favor of not holding a hearing. SunShare anticipates that the parties will file detailed responses and replies that will form a sufficient record for the Commission to resolve the controversy at issue in the Petition. SunShare asks the Commission to find that an evidentiary hearing is not required, or, in the alternative, decide whether to hold a hearing after review of the responsive and reply briefs.

6. We decline to decide at this time whether an evidentiary hearing is necessary so that parties are able to fully consider the responsive and reply briefs prior to determining the

need for an evidentiary hearing. Therefore, we require parties to submit filings on or before August 10, 2020 providing additional argument on whether an evidentiary hearing is necessary. If a party advocates for an evidentiary hearing, the party should provide sufficient support to convene a hearing, including but not limited to identification of any facts that remain at issue.

## **II. ORDER**

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

1. Reply Briefs in response to responsive briefs shall be due by 5:00 p.m. on August 6, 2020.

2. Parties shall submit a filing stating whether an evidentiary hearing is necessary on or before August 10, 2020. Consistent with the discussion above, any party advocating for an evidentiary hearing shall provide sufficient support to convene a hearing.

3. This Decision is effective upon its Mailed Date.

### **B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING July 29, 2020.**

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners