

Decision No. C20-0585-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.

PROCEEDING NO. 19F-0621E

UNITED POWER, INC.,

COMPLAINANT,

V.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.,

RESPONDENT.

**INTERIM DECISION WAIVING RESPONSE
TIME TO AND GRANTING MOTION FOR
CLARIFICATION OF RECOMMENDED DECISION**

Mailed Date: August 10, 2020

Adopted Date: August 5, 2020

I. STATEMENT

1. By this Decision we grant the July 31, 2020 joint motion for clarification filed by United Power, Inc. and La Plata Electric Association, Inc. (collectively Movants) and waive response time to the motion.

2. Movants filed the motion seeking clarification of the current statutory deadline for a final Commission decision in these consolidated proceedings. As the Movants recognize, absent an extension of time due to extraordinary circumstances, the 210-day statutory deadline would end August 7, 2020.

3. The Administrative Law Judge (ALJ) addressed this issue at the April 14, 2020 prehearing conference. He issued an oral ruling on the matter,¹ finding extraordinary circumstances due to the ongoing Coronavirus pandemic and the tight timelines created by hearing Commissioner Frances Koncilja's term ending and the resulting rescission and referral to an ALJ. Based on those circumstances, the ALJ extended the statutory deadline by 90 days.

4. As a result, the statutory deadline for the Commission's final decision is November 5, 2020.

5. We also find good cause to waive response time to this motion under Rule 1308(c) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. The motion is unopposed by Tri-State Generation and Transmission Association, Inc., and clarifying this issue prior to the original deadline of August 7, 2020 will benefit all parties.

¹ See generally Transcript from the April 14, 2020 Prehearing Conference (Attachment A), 7:1–7:11; 32:18–33:16.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion for Clarification (Motion) filed on July 31, 2020 by United Power, Inc. and La Plata Electric Association, Inc. is granted.
2. Response time to the Motion is waived.
3. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING August 5, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners