

Decision No. R20-0005-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19F-0690G

NATIONAL JEWISH RECONSTRUCTIONISTS FEDERATION,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
VACATING HEARING AND
SCHEDULING PREHEARING CONFERENCE**

Mailed Date: January 3, 2020

I. STATEMENT, FINDINGS, CONCLUSIONS, AND ADVISEMENTS

A. Procedural History.

1. On December 5, 2019, the Colorado Jewish Reconstructionist Federation (Complainant) initiated this matter by filing a Complaint with the Public Utilities Commission against Public Service Company of Colorado (Public Service). The next day, the Commission Director issued an Order to Satisfy or Answer, providing Public Service with notice of the Complaint, and requiring Public Service to answer the Complaint in writing or satisfy the matters in the Complaint within 20 days. At the same time, the Commission Director scheduled a hearing on the Complaint before an Administrative Law Judge (ALJ) for February 24, 2020 at 9:00 a.m.

2. On December 11, 2019, the Commission referred this matter to an ALJ; it was later assigned to the undersigned ALJ.

3. On December 26, 2019, Public Service timely filed its Answer to the Complaint.

B. Findings, Conclusions, and Advisements.

4. Based on the current record in this the proceeding, the ALJ finds that the parties will benefit from a prehearing conference. At the prehearing conference, the ALJ will set a schedule for the parties to disclose and file witness lists and exhibits, will set any other appropriate deadlines,¹ will schedule an evidentiary hearing, and will address procedural or other practical issues concerning the evidentiary hearing in this matter. Any party may raise other issues relevant to this proceeding at the prehearing conference, including any agreements impacting this proceeding.

5. The parties are not required to personally appear at the prehearing conference, and may instead appear at the prehearing conference through counsel.

6. At the prehearing conference, the parties must be prepared to discuss the amount of time each of them needs to present their case at the evidentiary hearing, and available dates for an evidentiary hearing. As such, the parties should ensure they are aware of their witnesses' availability for an evidentiary hearing.

7. The ALJ encourages the parties to confer with each other in advance on all matters to be addressed at the prehearing conference.

8. Because a new evidentiary hearing date will be established during the prehearing conference, the ALJ will vacate the February 24, 2020 hearing.

9. *Complainant is advised and on notice that failure to appear at the prehearing conference may result in dismissal of its Complaint for failing to pursue or prosecute it. Public*

¹ For example, the ALJ anticipates setting deadlines for: dispositive motions, pretrial motions, and statements of position.

Service is advised and on notice that failure to appear at the prehearing conference may result in granting the Complaint's requested relief.

10. *All parties are advised and on notice that failure to appear at the prehearing conference may result in a decision contrary to their interests, including granting the relief sought by the opposing party. All parties are advised and on notice that at minimum, the ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference.*

11. *The parties are advised and on notice that the Commission's Rules of Practice and Procedure, 4 Code of Colorado Regulations 723-1 apply to this proceeding, and may be found on the Commission's website at: <https://www.colorado.gov/pacific/dora/pucrulespractice>. The parties must follow those rules.*

II. ORDER

A. It Is Ordered That:

1. The hearing scheduled in this matter for February 24, 2020 at 9:00 a.m. is vacated.

2. Consistent with the above discussion, a prehearing conference in this matter is scheduled as follows:

DATE: January 14, 2020
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director