

Decision No. R20-0031-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19F-0690G

COLORADO NATIONAL JEWISH RECONSTRUCTIONISTS FEDERATION,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ESTABLISHING DEADLINES
AND SCHEDULING HEARING**

Mailed Date: January 14, 2020

I. STATEMENT, FINDINGS, CONCLUSIONS, AND ADVISEMENTS

1. Only the relevant procedural history of this matter is provided.
2. The undersigned Administrative Law Judge (ALJ) scheduled this matter for a prehearing conference for January 14, 2020 at 9:00 a.m. at a Commission hearing room. Decision No. R20-0005-I. The ALJ called the matter for the prehearing conference as noticed. All parties appeared.
3. During the prehearing conference, the Colorado Jewish Reconstructionist Federation (Complainant) offered an unopposed procedural schedule and hearing date. The Complainant noted that the parties believe this matter may be resolved through motions practice. The Complainant also noted that it disagrees with Public Service Company of Colorado (Public

Service) that written testimony should be required in this proceeding. Public Service argued that written testimony should be required for several reasons, including that it would limit the scope of the evidentiary hearing. Given the nature of this proceeding, the ALJ found that written testimony should not be mandated.

4. With the exception of deadlines proposed for April 28, 2020, the ALJ approved the parties' proposed procedural schedule and hearing date during the prehearing conference. The hearing date and procedural schedule are set forth below.

5. *All parties are advised and on notice that failure to appear at the evidentiary hearing 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 a minimum, the ALJ will deem any party's failure to appear at the evidentiary hearing to be a waiver of that party's objection to the rulings made during the hearing.*

II. **ORDER**

A. **It Is Ordered That:**

1. An evidentiary hearing on the Complaint in this matter is scheduled as follows:

DATE: May 4, 2020

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, 2nd Floor
Denver, Colorado

2. **Deadline for Dispositive Motions and Responses.** Any party wishing to file a dispositive motion must file and serve such a motion on or by *February 7, 2020*. The parties must file and serve responses to dispositive motions on or by *February 21, 2020*. No replies are permitted unless otherwise ordered.

3. **Deadline for Prehearing Motions, Stipulations, and Settlement Agreements.**

The parties must file and serve prehearing motions, stipulations and settlement on or *by April 24, 2020*.

4. **Deadline for Exhibit and Witness Lists and Exhibits.** The parties must file and serve pre-marked exhibits, witness lists, and exhibit lists on or *by April 24, 2020*. Any party may offer any hearing exhibit into evidence that is listed in any other party's hearing exhibit list and may call any witnesses to testify to who is listed in any other party's witness list. This has no impact on witness availability or willingness to testify.

5. **Witness List Requirements.** Witness lists must include a brief description of the witnesses' anticipated testimony, the witnesses' contact information, and the anticipated amount of time the party expects will be needed for their portion of the witnesses' testimony.

6. **Requirements for Exhibit Lists and Exhibits.** Exhibit lists must identify the hearing exhibit number, title of each hearing exhibit, and provide a brief description of each hearing exhibit the party intends to offer into evidence during the evidentiary hearing. At the evidentiary hearing, each party must bring three copies of each pre-marked hearing exhibit they intend to offer into evidence. Those copies are for the witness, the court reporter, and the Administrative Law Judge. In addition, the parties must coordinate with each other as to whether to bring additional copies of hearing exhibits for each other to use during the hearing. In addition, for any exhibit longer than two pages, the parties must sequentially page number each page of the exhibit, with page 1 starting with the first page of the exhibit, regardless of content.

7. **Deadline for Statements of Position.** The parties must file and serve statements of position *on or by May 11, 2020*; no responses may be filed. Statements of position are optional.

8. 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