

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0225E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF ITS COMMUNITY RESILIENCY INITIATIVE
PURSUANT TO § 40-2-203(4), C.R.S.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
VACATING PREHEARING CONFERENCE;
ESTABLISHING PROCEDURAL SCHEDULE;
SETTING HEARING DATES; AND NOTICE OF HEARING**

Mailed Date: February 13, 2020

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I. STATEMENT

1. This Interim Decision sets an evidentiary hearing in this Proceeding for June 23, 24, and 25, 2020, commencing at 9:00 a.m., and adopts a consensus procedural schedule filed by Public Service Company of Colorado (Public Service or Company) on February 12, 2020.

A. Procedural History.

2. On May 1, 2019, Public Service filed with the Colorado Public Utilities Commission (Commission), a Verified Application (Application) for Approval of its Community Resiliency Initiative (Initiative). Public Service stated that the Initiative is designed to provide up to 15 megawatts of Company-owned energy storage systems to enhance the safety and security of designated community resiliency centers and select infrastructure. With the Application, Public Service filed the supporting testimony and attachments of three witnesses. Public Service also sought approval to file Supplemental Direct Testimony in support of the Application. Public Service explained that the Application was filed in accordance with Colorado's Energy Storage Procurement Act (HB 18-1270). This filing commenced the above-styled proceeding.¹

3. On May 1, 2019, Public Service also filed a Motion for Leave to File Supplemental Direct Testimony on or before December 16, 2019, in order to provide details on the energy storage system projects and construction partners selected through a competitive solicitation process and, to the extent practicable, information on the cost and construction details of each project proposed under the Initiative. Public Service also waived the statutory deadline in § 40-6-109.5(3), C.R.S.²

4. By Decision No. C19-0426-I (mailed on May 16, 2019), the Commission acknowledged Public Service's waiver of the statutory deadline pursuant to § 40-6-109.5(3), C.R.S.³

¹ Application at pages 1-7. HB 18-1270 is codified at § 40-2-203(4), C.R.S. (2019).

² Motion for Leave to File the Supplemental Direct Testimony at pages 1-3.

³ In Decision No. C19-0426-I, the Commission also gave interested parties 14 days to file responses to the Motion for Leave to File Supplemental Direct Testimony. No one filed any responses.

5. By Decision No. C19-0499-I (mailed on June 12, 2019), the Commission granted the Motion for Leave to File Supplemental Direct Testimony. On December 16, 2019, Public Service filed the Supplemental Direct Testimony of two witnesses, Jack W. Ihle and Charles A. Gouin.⁴

6. The procedural history of this Proceeding is set forth in detail in Decisions previously issued herein and is repeated here as necessary to put this Decision into context.

7. On December 18, 2019, the Commission issued the Notice of Application Filed establishing deadlines for the filing of intervention pleadings.

8. During the Commission's weekly meeting on January 29, 2020, the Application was deemed complete for purposes of § 40-6-109.5, C.R.S., and was referred to an Administrative Law Judge (ALJ) for disposition. The undersigned ALJ was subsequently assigned to preside over this Proceeding.

9. Decision No. R20-0081-I (mailed on February 6, 2020) acknowledged the interventions as of right filed by the Colorado Office of Consumer Counsel (OCC) on January 17, 2020, and by Trial Staff of the Colorado Public Utilities Commission (Staff) on January 23, 2020. Decision No. R20-0081-I also granted the motions for permissive intervention filed on January 15, 2020 by Western Resource Advocates (WRA) and on January 16, 2020 by the Rocky Mountain Environmental Labor Coalition and the Colorado Building and Construction Trades Council, AFL-CIO (together RMELC/CBCTC). Only OCC requested a hearing on the Application.

10. The Parties to this Proceeding are Public Service, Staff, OCC, WRA, and RMELC/CBCTC.

⁴ Public Service filed Mr. Gouin's Corrected Supplemental Direct Testimony on December 19, 2019.

11. Decision No. R20-0081-I scheduled a prehearing conference in this Proceeding for February 18, 2020 at 10:00 a.m. The Decision also directed the Parties to consult prior to the prehearing conference and encouraged them, if possible, to file a consensus procedural schedule and hearing date(s) that are acceptable to all Parties. The ALJ encouraged Public Service to make a filing no later than February 13, 2020, stating any agreements reached.

12. On February 12, 2020, Public Service filed a Consensus Procedural Schedule pursuant to Decision No. R20-0081-I, which was agreed to by all the Parties. The ALJ has reviewed the negotiated procedural schedule and hearing dates, and he finds them acceptable.

13. Public Service requests that the ALJ vacate the prehearing conference. The ALJ agrees, and the prehearing conference scheduled for February 18, 2020 at 10:00 a.m. will be vacated.

B. Procedural Schedule and Evidentiary Hearing Dates.

14. The ALJ will adopt the following consensus procedural schedule:

Procedural Activity	Date(s)
Answer Testimony & Attachments	April 27, 2020
Rebuttal and Cross-answer Testimony & Attachments	May 29, 2020
Prehearing Motions (other than motions related to discovery)	June 2, 2020
Stipulations &/or Settlement Agreements	June 9, 2020
Corrections to Pre-filed Testimony and Attachments	June 19, 2020
Evidentiary Hearing	June 23, 24, and 25, 2020
Statements of Position (Filed Simultaneously)	July 15, 2020

C. Discovery-related Matters.

15. The Parties agreed that Rule 1405 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, will govern discovery procedures and timeframes in this Proceeding.

16. Motions pertaining to discovery disputes may be filed at any time. The response time to a motion pertaining to a discovery dispute shall be five business days. All discovery motions and responses shall be filed through the Commission's E-filings System and then served by e-mail. If necessary, the ALJ will hold a telephone hearing on a discovery-related motion, with notice to counsel for all Parties, as soon as practicable after the motion and response have been filed.

D. Electronic Hearing Exhibits.

17. The Parties agreed that presentation of evidence at the hearing should be done through electronic exhibits to the fullest extent possible, with the exception of exhibits to be used for impeachment or rebuttal. A separate Interim Decision will be issued addressing the presentation of electronic exhibits at the hearing.

II. ORDER**A. It Is Ordered That:**

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

DATES: June 23, 24, and 25, 2020

TIME: 9:00 a.m.

PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado

2. The prehearing conference scheduled for February 18, 2020 at 10:00 a.m. is vacated.
3. Consistent with the discussion, findings, and conclusions in this Decision, the procedural schedule, as stated in Paragraph I.B.14 at page 4 of this Decision, is adopted and shall be followed by the Parties in this Proceeding.
4. The procedures and deadlines for discovery, set forth in ¶¶ I.C.15 and 16 at page 5 of this Decision, are adopted and shall be followed by the Parties in this Proceeding.
5. The Parties shall comply with this Interim Decision, shall make the filings required by the procedural schedule, and shall abide by the procedural advisements adopted in Decision No. R20-0081-I (mailed on February 6, 2020).
6. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge