

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

PROCEEDING NO. 20AL-0432E

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IN THE MATTER OF ADVICE LETTER NO. 1835 – ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO REVISE ITS COLORADO P.U.C. NO. 8 – ELECTRIC TARIFF TO ELIMINATE THE CURRENTLY EFFECTIVE GENERAL RATE SCHEDULE ADJUSTMENTS (“GRSA”) AND GENERAL RATE SCHEDULE ADJUSTMENT – ENERGY (“GRSA-E”), AND PLACE INTO EFFECT REVISED BASE RATES AND OTHER AFFECTED CHARGES FOR ALL ELECTRIC RATE SCHEDULES IN THE COMPANY’S ELECTRIC TARIFF, INCLUDING UPDATED ELECTRIC AFFORDABILITY PROGRAM (“EAP”), LOAD METER, AND PRODUCTION METER CHARGES TO BECOME EFFECTIVE NOVEMBER 19, 2020.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
STEVEN H. DENMAN  
GRANTING UNOPPOSED MOTION  
FOR EXTENSION OF TIME**

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Mailed Date: April 7, 2021

**I. STATEMENT**

1. This Interim Decision grants the Unopposed Forthwith Motion for Extension of Time to File Cross-Answer Testimony of William Marcus (Unopposed Motion), filed by Energy Outreach Colorado (EOC) on April 6, 2021, and waives response time to the Unopposed Motion.

**A. Procedural History**

2. On October 19, 2020, Public Service Company of Colorado (Public Service) filed Advice Letter No.1835-Electric (AL-1835) with tariff sheets. Through AL-1835, Public Service proposes to allocate its approved \$1,835,585,415 revenue requirement<sup>1</sup> across customer classes, based on a Class Cost of Service Study (CCOSS) using the 2019 Test Year approved by the

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<sup>1</sup> The amount of \$1,828,985,415 was approved in Proceeding No. 20AL-0268E and \$6,600,000 for the Electric Affordability Program was allowed in Proceeding No. 20AL-0090E.

Commission in Proceeding No. 19AL-0268E. Public Service states that this filing does not affect its annual revenue. This Proceeding is a Phase II Electric Rate Case.

3. The procedural history of this Proceeding is set forth in previously issued decisions and is repeated here only as necessary to put this Decision into context.

4. The Parties to this Proceeding are Public Service, EOC, the Colorado Office of Consumer Counsel, Trial Staff of the Colorado Public Utilities Commission, the City of Boulder, the City of Denver, the Colorado Solar and Storage Association/the Solar Energy Industries Association, Molson Coors Beverage Company, Climax Molybdenum Company, Vote Solar, Colorado Energy Consumers, Southwest Energy Efficiency Project, the Federal Executive Agencies, Walmart Inc., Kroger Co., and several Colorado Local Governments.

5. Decision No. R20-0922-I (issued on December 29, 2020) *inter alia* adopted a procedural schedule with certain filing dates and set an evidentiary hearing for May 3 through 7 and 10 through 14, 2021. April 7, 2021 is the due date for filing rebuttal testimony and cross-answer testimony.

**B. Unopposed Motion.**

6. In its Unopposed Motion, EOC states that one of its expert witnesses, William Marcus, has been severely ill and fatigued because of ongoing cancer treatments. As a result, Mr. Marcus will have significant difficulty completing his testimony by the April 7, 2021 deadline. Therefore, EOC requests a two-day extension of time, to and including April 9, 2021, in which to file the cross-answer testimony of Mr. Marcus.

7. As conditions for granting the requested extension of time, EOC offers that: (1) Mr. Marcus commits to not review any of the testimony of Public Service or other intervenors that will be timely filed; and (2) that counsel for EOC and other EOC witnesses will commit not

to communicate with Mr. Marcus concerning the contents of such timely filed testimony until after Mr. Marcus's cross-answer testimony has been filed.

8. Pursuant to Rule 1400(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1 (2020), EOC reports that it has conferred with counsel for all parties to this proceeding and that no party opposes the relief requested. EOC also asserts that no prejudice can result to any party and good cause exists to grant the unopposed extension.

9. The Administrative Law Judge (ALJ) finds that good cause exists for granting the Unopposed Motion and the two-day extension of time.

10. EOC will be granted a two-day extension of time to file the cross-answer testimony of its witness William Marcus.

11. The conditions for granting the requested extension of time offered by EOC will be accepted.

12. The ALJ finds that time is of the essence for ruling on the Unopposed Motion. Response time to the Unopposed Motion will be waived, pursuant to Rule 1308(c) of the Rules of Practice and Procedure, 4 CCR 723-1.

## **II. ORDER**

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

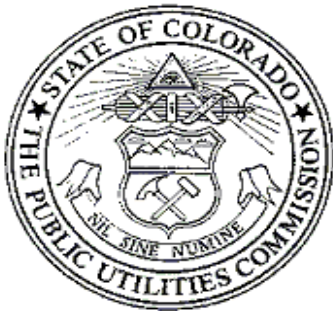
1. The Unopposed Forthwith Motion for Extension of Time to File Cross-Answer Testimony of William Marcus (Unopposed Motion), filed by Energy Outreach Colorado (EOC) on April 6, 2021 is granted.

2. Response time to the Unopposed Motion is waived.

3. The following conditions on the extension of time shall be imposed: (1) EOC witness William Marcus shall not review any of the rebuttal testimony and attachments filed by Public Service Company of Colorado or the cross-answer testimony and attachments of other intervenors filed on or before April 7, 2021; and (2) counsel for EOC and other EOC witnesses shall not communicate with Mr. Marcus concerning the contents of any timely filed rebuttal testimony and attachments or cross-answer testimony and attachments until after Mr. Marcus's cross-answer testimony has been filed by EOC.

4. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,  
Director