

**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  
VACATING THE MAY 4, 2021 HEARING DATE  
AND EXCUSING EOC WITNESS WILLIAM P.  
MARCUS FROM APPEARING AT THE HEARING**

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Mailed Date: May 3, 2021

**I. STATEMENT**

1. This Interim Decision confirms bench orders made by the Administrative Law Judge (ALJ), vacates the May 4, 2021 date for the evidentiary hearing, and grants an unopposed oral motion by counsel for Energy Outreach Colorado (EOC) to excuse its witness William P. Marcus from appearing at the evidentiary hearing in this proceeding.

**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 using the 2019 Test Year approved by the 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 (OCC), Trial Staff of the Colorado Public Utilities Commission (Staff), the City of Boulder (Boulder), the City of Denver (Denver), the Colorado Solar and Storage Association and the Solar Energy Industries Association, Molson Coors Beverage Company (Molson Coors), Climax Molybdenum Company (Climax), Vote Solar, Colorado Energy Consumers (CEC), Walmart Inc. (Walmart), Kroger Co. (Kroger), several Colorado Local Governments, the Southwest Energy Efficiency Project, and the Federal Executive Agencies.

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 via remote video platform.

6. During the late afternoon of April 30, 2021, CEC, Boulder, Climax, OCC, Denver, EOC, Kroger, Molson Coors, and Walmart (Settling Parties) filed a Joint Motion to Approve Non-Unanimous and Partial Stipulation and Settlement Agreement and Request for Partial Waiver from Decision No. R20-0922-I (Joint Motion), along with a signed Stipulation and

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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.

Settlement Agreement (Stipulation). The Joint Motion stated the positions of the non-settling parties on the Stipulation and that Staff opposed approving the Stipulation.

**B. Preliminary Matters Addressed at the Hearing.**

7. As Preliminary Matters at the hearing, the ALJ discussed with counsel for the parties the impacts of filing the Joint Motion and Stipulation and related procedural issues.

8. Counsel for Public Service advised the ALJ that a recent settlement in principle of the street lighting issues in this proceeding was being finalized.

9. First, the ALJ addressed a request by the Settling Parties to waive the April 19, 2021 deadline for filing stipulations and settlement agreements. No objections were lodged by counsel for other parties. The ALJ granted the request for waiver, so that the discussion could proceed on the Joint Motion and Stipulation. The ALJ also ruled that waiver of the April 19, 2021 deadline would apply to a written stipulation and settlement agreement relating to the street lighting issues that Public Service committed to file.

10. Second, the ALJ discussed with counsel several procedural issues, including but not limited to hearing efficiencies, new estimates for cross-examination of witnesses, and postponement of the start of the hearing so that the hearing can finish no later than May 14, 2021.

11. As a result of those discussions, the ALJ vacated the hearing scheduled for May 4, 2021 and requested counsel to file a revised matrix stating the order of witnesses, estimated cross-examination times, and the order of cross-examination by counsel. The hearing was recessed and will resume on May 5, 2021 at 10:30 a.m.

12. Third, counsel for EOC made an oral motion to excuse its witness, William P. Marcus, from appearing in the evidentiary hearing for medical reasons. Counsel for the other

parties responded by indicating they would have no cross-examination of Mr. Marcus. No party opposed the oral motion. After the hearing recessed, the ALJ reviewed his notes on the answer and cross-answer testimonies of Mr. Marcus. The ALJ determined that he would have no questions for Mr. Marcus. EOC's oral motion will be granted, and Mr. Marcus will be excused from appearing in the evidentiary hearing.

## **II. ORDER**

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

1. The Joint Motion to Approve Non-Unanimous and Partial Stipulation and Settlement Agreement and Request for Partial Waiver from Decision No. R20-0922-I, filed on April 30, 2021 by Colorado Energy Consumers on behalf of the Settling Parties, is granted in part. The April 19, 2021 deadline for filing stipulations and settlement agreements, set in Decision No. R20-0922-I (issued on December 29, 2020), shall be waived as to the filing of written stipulations and settlement agreements filed, or to be filed, by the parties to this proceeding not later than May 11, 2021.

2. Counsel for the parties shall file a revised matrix stating the order of witnesses, estimated cross-examination times, and the order of cross-examination by counsel no later than 9:00 a.m. on May 5, 2021.

3. The unopposed oral motion, made by counsel for Energy Outreach Colorado on May 3, 2021, to excuse witness William P. Marcus from appearing in the evidentiary hearing is granted, consistent with the findings and discussion in this Decision.

4. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

STEVEN H. DENMAN

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director