

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0315EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS COMBINED ELECTRIC AND NATURAL GAS DEMAND-SIDE MANAGEMENT AND BENEFICIAL ELECTRIFICATION PLAN FOR CALENDAR YEAR 2023.

**INTERIM DECISION GRANTING JOINT MOTION,
ESTABLISHING PROCEDURAL SCHEDULE AND
PROVISIONS FOR DISCOVERY, EXTENDING
STATUTORY DEADLINE, AND VACATING
PREHEARING CONFERENCE**

Mailed Date: September 15, 2022

Adopted Date: September 14, 2022

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I. BY THE COMMISSION

A. Statement

1. This Decision grants the Unopposed Joint Motion Pursuant to Decision No. C22-0530-I for Approval of Consensus Procedural Schedule, Provisions for Discovery, and Request to Vacate September 16, 2022 Prehearing Conference (Joint Motion) filed by Public Service Company of Colorado (Public Service or Company) on September 9, 2022, consistent with the discussion below. We adopt the procedural schedule and discovery procedures

proposed in the Joint Motion and vacate the prehearing conference scheduled to be held on September 16, 2022.

2. We also extend the time for a Commission decision by an additional 130 days to May 1, 2023, as permitted by § 40-6-109.5(1), C.R.S.¹

B. Discussion

3. On July 1, 2022, Public Service filed its Application and Direct Testimony requesting Commission approval of the Company's 2023 Electric and Natural Gas Demand-Side Management (DSM) and Beneficial Electrification (BE) Plan (2023 DSM & BE Plan or Plan). Public Service states, while the Company first introduced its existing BE offerings as part of its 2021-22 DSM Plan, this filing is the Company's first DSM Plan to incorporate the new BE Plan elements required by Senate Bill 21-246, effective September 7, 2021.

4. On September 8, 2022, the Commission issued Decision No. C22-0530-I which, among other matters, set a prehearing conference to address procedural matters and directed the Company to confer with intervenors in advance of the prehearing conference regarding a schedule for this Proceeding. The Commission directed the Company to file a proposed procedural schedule, including provisions for discovery and for the filing of supplemental direct testimony as identified in Paragraph 47 of Decision No. C22-0530-I.

5. Decision No. C22-0530-I also established parties to this Proceeding, which include: the Company, Trial Staff of the Commission, the Colorado Office of the Utility Consumer Advocate; the Colorado Energy Office; the Colorado Energy Consumers; the City of Boulder; the City and County of Denver; Energy Outreach Colorado; the Southwest Energy Efficiency Project;

¹ Pursuant to Decision No. C22-0530-I, this Application was deemed complete on August 22, 2022. Pursuant to the time limits established by § 40-6-109.5(1), C.R.S., the deadline falls on April 29, 2023, which is a Saturday.

Western Resource Advocates; the Energy Efficiency Business Coalition; Iconergy LTD; and Climax Molybdenum Company (Parties).

6. On September 9, 2022, in accordance with Decision No. C22-0530-I, the Company filed the Joint Motion on behalf of itself and the Parties to this Proceeding. Public Service filed a consensus procedural schedule and provisions for discovery, and also requested that the Commission waive response time to the Joint Motion and vacate the prehearing conference if the proposed schedule was satisfactory. Public Service states that no party opposes the relief sought in the Joint Motion, including the request to waive response time.

7. Public Service notes that the Parties also acknowledge Paragraph 50 of Decision No. C22-0530-I, which indicates that the Commission would prefer the evidentiary hearing in this matter be conducted over consecutive days and conclude no later than January 15, 2023. The Company states that the Parties largely agree that it would be incredibly challenging and impractical to develop a procedural schedule with a hearing prior to January 15, 2023, given existing procedural schedules, holidays, and Parties' desires to make good faith efforts to reach settlement in this Proceeding. The Joint Motion proposes the following consensus procedural schedule:

Event	Date
Supplemental Direct Testimony	September 27, 2022
Answer Testimony	November 21, 2022
Rebuttal/Cross-Answer	January 9, 2023
Stipulations & Settlement Agreements	January 27, 2023
Settlement & Supporting Testimony	February 3, 2023
Prehearing Motions	February 3, 2023
Cross-Examination Matrix	February 7, 2023
Responses to Prehearing Motions	February 8, 2023
Corrections to Pre-Filed Testimony and Exhibits	February 8, 2023
Evidentiary Hearing	February 15-17, 2023
Statements of Position	March 17, 2023

Deadline for Commission Decision	May 1, 2023
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8. The Parties propose that 4 *Code of Colorado Regulations* (CRR) 723-1-1405 of the Commission's Rules of Practice and Procedure govern discovery, with two modifications:

- a) discovery requests and responses will be served electronically, and
- b) all non-confidential discovery requests will be served upon each party to the proceeding, and all non-confidential responses to an individual set of discovery will be served in a single, combined document to all Parties. In the event that responses to an individual set of discovery are not served simultaneously, the Parties agree to provide all Parties with all available responses served on a given day in a single, combined document. However, any discovery responses or requests containing confidential or highly confidential information will be served only on Parties that have executed the appropriate non-disclosure agreement(s).

9. In light of the proposed procedural schedule and the agreement on discovery procedures, the Parties request the Commission vacate the prehearing conference scheduled for September 16, 2022. Because the Joint Motion is unopposed, Public Service also requests that the Commission waive response time, pursuant to 4 CCR 723-1-1308(c) of the Commission's Rules of Practice and Procedure.

C. Findings and Conclusions

10. The Commission finds good cause to adopt the consensus procedural schedule as set out above with one exception. The proposed dates for the evidentiary hearing in February 2023 are acceptable to the Commission, with the understanding of the issues facing the Parties described in the Joint Motion. However, the Commission sets the dates for the evidentiary hearing to occur on February 16, 17, and 21, 2023 (instead of February 15-17, 2023). We also find the proposed discovery procedures reasonable, and we therefore adopt the discovery procedures proposed in the

Joint Motion. Given these procedural determinations, the request to vacate the prehearing conference set for September 16, 2022 is granted. Response time to the Joint Motion is waived.

11. We note that the proposed schedule in the Joint Motion acknowledges the Commission must issue a final decision in this Proceeding by May 1, 2023. Considering the time available, the procedural schedule proposed by the Parties, and the need for the Commission to have adequate time to deliberate on the issues presented in this matter, it is necessary to extend the deadline for a Commission decision by an additional 130 days, as the Joint Motion reflects. Accordingly, the Commission orders, pursuant to § 40-6-109.5(1), C.R.S., that the time for a decision in this Proceeding is extended an additional 130 days, until May 1, 2023.

12. The evidentiary hearing will be held using the web-hosted video conferencing service Zoom unless subsequently modified. Further information and directions on using Zoom are provided in Attachment A to this Decision.

13. Attachment B to this Decision includes provides additional information regarding procedures for the presentation and submission of exhibits. Parties should refer to Attachment B for further guidance regarding: (1) the assignment of hearing exhibit number blocks; (2) identification of filing requirements for hearing exhibits; (3) formatting of hearing exhibits; (4) filing of executable attachments to hearing exhibits; (5) modifying, amending, or correcting a previously filed hearing exhibit before the deadline for correction; (6) modifying, amending, or correcting a previously filed hearing exhibit after the deadline for correction; and (7) procedures for confidentiality.

II. ORDER

A. The Commission Orders That:

1. Pursuant to § 40-6-109.5(1), C.R.S., the deadline for a Commission decision on the Application filed in this Proceeding is extended to May 1, 2023.

2. The Unopposed Joint Motion Pursuant to Decision No. C22-0530-I for Approval of Consensus Procedural Schedule, Provisions for Discovery, and Request to Vacate September 16, 2022 Prehearing Conference (Joint Motion), filed by Public Service Company of Colorado (Public Service) on September 9, 2022 is granted, consistent with the discussion above. The Commission waives response time to this unopposed Joint Motion.

3. The consensus procedural schedule and provisions for discovery filed by Public Service on September 9, 2022, in accordance with Decision No. C22-0530-I, is adopted with one change—the evidentiary hearing shall occur on February 16, 17, and 21, 2023.

4. The parties shall submit all testimony and pleadings no later than the dates set forth in the proposed consensus procedural schedule, as discussed above.

5. A remote evidentiary hearing in this Proceeding is scheduled as follows:

DATES: February 16 through 17, and 21, 2023

TIMES: 9:00 a.m. to 5:00 p.m.

PLACE: Join by video conference using Zoom

6. The parties are responsible for sharing the link, meeting ID code, and passcode to witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing. Unless otherwise ordered, the parties and witnesses may not appear in person at the Commission for the

above-scheduled hearing. Instead, parties and witnesses will participate in the hearing from remote locations, consistent with the requirements of this Decision.

7. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision.

8. The parties and witnesses are required to participate in the evidentiary hearing by video conference using Zoom. The parties must ensure that they and their witnesses are ready and able to participate in the evidentiary hearing by video conference, including presenting evidence electronically during the hearing using Zoom.

9. The prehearing conference scheduled for September 16, 2022, is vacated.

10. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 14, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners