

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0309EG

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF A NUMBER OF STRATEGIC ISSUES RELATING TO ITS ELECTRIC AND GAS DEMAND SIDE MANAGEMENT AND BENEFICIAL ELECTRIFICATION PLAN.

**INTERIM COMMISSION DECISION: (1) ESTABLISHING
PROCEDURAL SCHEDULE AND DISCOVERY
PROVISIONS; (2) SCHEDULING HEARING;
(3) EXTENDING DECISION DEADLINE
UNDER § 40-6-109.5(1), C.R.S.; (4) REFERRING CERTAIN
ITEMS TO AN ADMINISTRATIVE LAW JUDGE;
(5) CLARIFYING INFORMATION TO BE PRESENTED IN
SUPPLEMENTAL DIRECT TESTIMONY; AND (6)
ESTABLISHING PROCEDURES FOR ELECTRONIC
PRESENTATION AND SUBMISSION OF EXHIBITS**

Mailed Date: September 29, 2022

Adopted Date: September 23, 2022

I. BY THE COMMISSION

A. Statement

1. On July 1, 2022, Public Service Company of Colorado (Public Service or the Company) filed for approval of the proposals contained in the Company's Demand Side Management and Beneficial Electrification Strategic Issues Application (Application).

2. Through this Decision, the Commission addresses the consensus procedural schedule and discovery procedures set forth in the Response to Decision No. C22-0548-I (Response), that Public Service filed on September 20, 2022. Specifically, consistent with the discussion below, the Commission: (1) adopts the procedural schedule set forth in the consensus

Response; (2) schedules a five-day remote evidentiary hearing in this matter; and (3) adopts the parties' proposed discovery process.

3. To accommodate the unopposed procedural schedule, the Commission finds good cause to extend the decision deadline in this Proceeding an additional 130 days pursuant to § 40-6-109.5(1), C.R.S.

4. In addition, the Commission clarifies its request for Public Service to file Supplemental Direct Testimony on certain issues, as ordered by Decision No. C22-0548-I.

5. Finally, through this Decision, the Commission establishes procedures for the remote evidentiary hearing and the electronic submission and presentation of exhibits, set forth in Attachments A and B to this Decision.

B. Background

6. On September 6, 2022, the Commission issued Decision No. C22-0515-I that deemed the Application complete, set the matter for hearing before the Commission *en banc*, granted requests for intervention, and instructed the established parties to file a proposed procedural schedule by September 9, 2022, prior to a prehearing conference scheduled through the order for September 16, 2022.

7. On September 9, 2022, the Company filed a notice stating that prior to committing to a procedural schedule, it needed to better understand the scope of the Commission's requested Supplemental Direct Testimony.

8. On September 16, 2022, the Commission issued Decision No. C22-0548-I that vacated the September 16, 2022 prehearing conference and directed Public Service to file Supplemental Direct Testimony on certain issues identified Paragraph 11 of the decision. Decision

No. C22-0548-I also ordered the Company to confer with the parties to develop a proposed procedural schedule to file no later than September 20, 2022, and scheduled a remote prehearing conference for September 23, 2022, at 9:00 a.m.

9. On September 20, 2022, Public Service filed the consensus Response, stating the Company had convened discussions among the parties and worked through proposed filing deadlines and discovery procedures.¹

C. Procedural Schedule, Extension of Decision Deadline, and Referral of Certain Matters to an ALJ

10. Through the Response filed September 20, 2022, the Parties propose the following consensus procedural schedule:

Event	Proposed Date
Prehearing Conference	September 23, 2022
Supplemental Direct Testimony	November 1, 2022
Answer Testimony	December 8, 2022
Rebuttal and Cross-Answer Testimony	January 19, 2023
Pre-Hearing Motions	January 30, 2023
Stipulations and Settlement Agreement	January 30, 2023
Corrections to Pre-Filed Testimony and Exhibits Cross-Examination Matrix Pre-Hearing Motions Settlement Testimony (if applicable)	February 1, 2023
<i>En Banc</i> Evidentiary Hearing	February 6-10, 2023
Statements of Position	March 10, 2023

¹ The response notes that intervenor Western Resource Advocates will support the consensus schedule, provided that the Commission does not extend the statutory deadline for decision based on “extraordinary conditions” under § 40-6-109.5(4), C.R.S.

11. The Commission adopts the parties proposed deadlines and hearing dates. A five-day remote evidentiary hearing is scheduled in this matter beginning February 6, 2023 and ending February 10, 2023. This remote evidentiary hearing will be held using the web-hosted video conferencing service Zoom. To minimize the potential that the video conference may be disrupted by non-participants, the link and meeting ID or access code will be provided to the parties by e-mail before the hearing, and the parties are prohibited from distributing that information to anyone not participating in the hearing.

12. Through the Response filed September 20, 2022, the parties agree that Commission Rule 1405 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, should govern discovery in this Proceeding. The Commission approves the parties' proposal to have Rule 1405 govern the discovery procedures in this Proceeding.

13. In order to accommodate the parties' proposed procedural schedule that the Commission adopts through this Decision, we find the additional time permitted in § 40-6-109.5(1), C.R.S., is required in this Proceeding. We therefore extend the decision deadline by the 130 days allowed by statute.

14. For procedural efficiencies, the Commission refers discovery disputes and any motions for extraordinary protection to an Administrative Law Judge.

D. Supplemental Direct Testimony

15. Separately in the Response filed September 20, 2022, Public Service outlined its concerns regarding the Commission's request for Supplemental Direct Testimony, as set forth in Paragraph 11 of Decision No. C22-0548-I. Public Service states the type of analysis requested involves issues that the Company expects to be addressed as part of its forthcoming Clean Heat Plan and compliance activities related to the gas planning rules at issue in Proceeding No.

21R-0449G. The Company explains it has not yet undertaken the type of analysis requested and that this type of analysis would involve intricate planning and modeling requirements. The Company states it is unable to complete such an undertaking during the pendency of this Proceeding. Public Service states it will specifically attempt to address the root of the issues being requested using simplified assumptions and methodologies, which are necessary to permit the Company to provide responsive information during this Proceeding.

16. On September 23, 2023, a prehearing conference was held, where the Commission asked Public Service to expand on the statement in the Response that the Company would have to use simplified assumptions and methodologies in order to conduct the requested analysis of the impacts to the electric and natural gas systems associated with this Proceeding. During the course of the prehearing conference, Public Service committed to provide a clear list of the assumptions that it used in developing its analysis and provide the analysis in an executable format, so that parties have opportunity to identify and modify those assumptions and perform their own analysis. Public Service also committed to using its best efforts to include a reasonable degree of locational analysis. The Commission finds these clarifications acceptable and directs the Company to incorporate them into the development of the requested Supplemental Direct Testimony. Consistent with the discussion and representations at the prehearing conference, the Commission also requests the Company: (1) provide a high-level overview of how such analysis will occur in the future as electrification and increasing demand response impacts both the electric and gas distribution planning processes; and (2) explain how this type of analysis could be tailored to specific geographic locations where demand reduction could have the most impact.

17. Through this Decision, the Commission affirms the request for Supplemental Direct Testimony set forth in Paragraph 11 of Decision No. C22-0548-I, with these clarifications and

recognition that the Company has represented that it will need to use simplified assumptions and methodologies to produce this analysis during the course of this Proceeding.

E. Presentation of Exhibits During Evidentiary Hearing

18. In connection with scheduling the remote evidentiary hearing in this Proceeding, we also provide information on using Zoom to attend the hearing and set procedures for the electronic submission and presentation of exhibits, as set forth in Attachments A and B to this Decision.

II. ORDER

A. It Is Ordered That:

1. The filing deadlines set forth in the Response to Decision No. C22-0548-I (Response), that Public Service Company of Colorado (Public Service) filed on September 20, 2022, are adopted.

2. An *en banc* evidentiary hearing in this Proceeding is scheduled as follows:

DATE: February 6–10, 2023

TIME: 9:00 a.m. until concluded each day, but no later than 5:00 p.m., except February 8, 2023, on which the hearing will begin at 1:00 p.m.

LOCATION: Commission Hearing Room A (Webcast)

3. The parties' discovery procedures set forth in the Response are adopted.

4. The deadline for a Commission decision is extended an additional 130 days, as permitted in § 40-6-109.5(1), C.R.S.

5. Discovery disputes and any motions for extraordinary protection are referred to an Administrative Law Judge.

6. Public Service is directed to file Supplemental Direct Testimony as required by Decision C22-0548-I in this Proceeding, consistent with the clarifications in the discussion above.

7. All participants must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision. Additional procedures for the evidentiary hearing may be provided to the parties later through written order, e-mail, or other form of communication.

8. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 28, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners