

In this proceeding, Public Service has applied for a Certificate of Public Convenience and Necessity ("CPCN") for its SmartGridCity project ("SmartGridCity") in Boulder. Public Service filed its application in compliance with Decision No. C09-1446, which was issued in Docket No. 09AL-299E on December 24, 2009. In that decision, the Commission ordered Public Service to apply on a retroactive basis for a CPCN for SmartGridCity. The Commission found that this project was neither in the ordinary course of business under § 40-5-101(1), C.R.S, nor a simple distribution project. The Commission subsequently affirmed its decision regarding the need for a CPCN in Decision No. C10-0137, which was issued on February 16, 2010.

The Commission issued Decision No. C10-0188 on March 3, 2010 in Docket No. 10I-099EG (the "Investigatory Docket") to explore issues related to the capabilities of smart grid technologies more generally.

On March 10, 2010, Public Service filed its application for a CPCN that is at issue in this proceeding. Public Service's application included a pre-filed direct case, including the testimonies of four witnesses. Among other things, Public Service explained what it viewed as the value of undertaking the SmartGridCity project – namely, to give itself the ability to test the capabilities of emerging smart grid technologies through the testing of 61 value propositions. Public Service updated its estimate of the capital costs that it will expend to complete the project. In Decision No. C09-1446, the revenue requirement approved by the Commission included projected capital costs for SmartGridCity in the amount of \$42.1 million, plus associated AFUDC. In the Company's direct case in this proceeding, Public Service estimated that it would expend capital costs in the amount of \$44.8 million, inclusive of AFUDC, to complete the project. Public Service through its application and direct case also sought clarification as to what future deployments of smart grid technologies outside of Boulder would require a CPCN.

In Decision No. C10-0401, issued on April 28, 2010, the Commission deemed Public Service's application in this proceeding complete. In this same order (¶6), the Commission specified "that broad policy issues that go beyond Public Service's SmartGridCity™ project should be explored in Docket No. 10I-099EG rather than here in Docket No. 10A-124E."

Public Service subsequently moved to amend its application, including its direct case, to remove its request for clarification regarding future deployments of smart grid technologies, which motion was granted in Decision No. R10-0608-I.

Various parties, including Commission Staff, the Colorado Office of Consumer Counsel, the Governor's Energy Office, the Arapahope Community Team, and Leslie Glustrom, filed answer testimony on July 21, 2010. On August 10, 2010, Public Service filed rebuttal testimony. Subsequent to the filing of Public Service's rebuttal case, the Settling Parties were able to agree to the following provisions that will resolve this proceeding among themselves.

#### Public Interest

The Settling Parties state that reaching agreement as set forth herein by means of a negotiated settlement, rather than through a formal adversarial process, is in the public interest, consistent with Commission Rule 1408 encouraging settlements, and, therefore, the compromises and settlements reflected in this Settlement Agreement are in the public interest. The Settling Parties further state that approval and implementation of the compromises and settlements reflected in this Settlement Agreement constitute a just and reasonable resolution of this proceeding.

#### Settlement

This Settlement Agreement is intended to be a comprehensive settlement resolving all issues raised by Public Service's application in this proceeding among the Settling Parties.

1. Scope of the SmartGridCity Project.

So as to establish a baseline for the other terms of this Settlement Agreement, the Settling Parties agree to define the current scope of the SmartGridCity project. The scope of SmartGridCity is defined as work completed or to be completed under the work orders described below.

<b>Grandparent / Parent Work Order</b>	<b>Grandparent Description / Parent Work Order Description</b>	<b>Comments</b>	<b>Status of Work Order*</b>
11139755	Smart Grid City – EnerPrise SW	Includes costs associated with Ventyx's Retail Office and Generation Manager software	To be closed August 2010
11152896	Smart Grid City Dist SW	Includes costs associated with OSIsoft PI and Accenture's INDE software as well MetaVu's Requirements Validation and associated Project Management.	To be closed October 2010
11083268	Smart Grid City Substation (Txf Acct)	Used for cost transfer between Distribution and the SmartGridCity project.	To be closed August 2010
11083260	Smart Grid City Electric Meters (Txf Acct)	Used for cost transfer between the initial purchase of the electric meters and the First Set Credits.	To be closed August 2010
11183617	SGC First Set Credits	Contains the cost of the smart meters along with their capitalized installation cost. Meters total approximately 24,464 of which 23,001 were installed and the remainder serving as spares.	To be closed August 2010
11082302	Smart Grid City (Txf Acct)	Used for cost transfer between Distribution and the SmartGridCity project.	To be closed August 2010
10479894	Infrared Testing Project – PSCO (Txf Acct)	Used for cost transfer between Distribution and the SmartGridCity project.	To be closed August 2010
11101815	Smart Grid City Furniture	Initially used for furniture for the Construction Trailer but it was later determined that this cost was O&M so all costs were transferred to the appropriate O&M accounts.	Closed
11117538	Purch Mobile Innovation Center	Used to record the costs associated with the Mobile Innovation Center trailer.	Closed

Grandparent / Parent Work Order	Grandparent Description / Parent Work Order Description	Comments	Status of Work Order*
11163712	Purch Smart Grid City Home Controllers	Initially used for In-home Devices but it was later determined that this cost was DSM so all costs were transferred to the appropriate DSM accounts.	Closed**
11101818	Smart Grid City Network	TSB Buildout, includes Operations Center, Testing Center and Development Center	To be closed August 2010
11090523	Lookout Servers	11 Servers and 4 racks	Closed
11078234	Smart Grid City – Communications Ph1	Includes cost to build the communications and monitoring system including 1,076,222 feet of tree trimming, 129,622 feet of underground conduit, 938,518 feet of fiber cable, 931backhaul points, 2,686 Overhead Network Elements and 3,163 Underground Network Elements.	To be closed August 2010
	Substation DA	This represents the substation feeder communications and monitoring systems, including the installation of 10 power quality meters and 6 synchrophasors. (Note: In Exhibit CRH-1 this work order also contained the reclosers and underground switch cabinets. These were later transferred to a separate account as shown below under "Reclosers")	To be closed August 2010
	Substation Txf Acct	Used for cost transfer between Distribution and the SmartGridCity project.	To be closed August 2010
	Comm Sys Dist Point	This represents costs to upgrade the communications distribution point with communications and monitoring equipment.	To be closed August 2010
11095142	Lookout Server Buildout PSCO	Costs associated with upgrading the Lookout data center to support SmartGridCity. This includes raised flooring as well as power and cooling upgrades.	Closed
11117565	Purch 2 TVs for Mobile Innovation	This work order encompasses the purchase of two TVs for use in the Mobile Experience trailer.	Closed

<b>Grandparent / Parent Work Order</b>	<b>Grandparent Description / Parent Work Order Description</b>	<b>Comments</b>	<b>Status of Work Order*</b>
11088639	2009 Unplanned LAN WAN Refresh	This order was set up but never used for SmartGridCity.	N/A
11181336	SGC Distribution Meter Read SW	Current Group software used for meter reading, monitoring the health of the communications equipment and monitoring the health of the Distribution Transformers and Underground Cable Segments.	Closed
11348175	SGC Reclosers	Contains costs associated with the 4 reclosers and 2 underground switch cabinets (note: this was broken out as a separate account in Attachment OCC2-3.A1)	To be closed August 2010

\* The dates specified in this column of the chart are target dates. It is expected as of October 2010, that all capital work orders that comprise the SmartGridCity will be closed as part of the project completion process. However, Public Service is not making any commitments as part of this Settlement Agreement to complete the project by any specified date.

\*\* This work order will be reopened to replace amounts which were transferred to DSM.

As an illustrative example of what is outside of the scope of the current SmartGridCity project, if the Company decided to switch another 5,000 existing meters in Boulder to smart meters at a later date, that meter project would not be deemed to be part of the existing SmartGridCity project.

## 2. Grant of A CPCN for SmartGridCity.

The Settling Parties agree that the Commission should grant the SmartGridCity project a CPCN consistent with the scope of the project defined above. The CPCN would not apply to any expansions of SmartGridCity beyond the scope of the project as defined in Provision 1. Any expansion of the SmartGridCity project beyond the defined scope would need to be pursuant to a separate CPCN, a waiver of the CPCN rules granted upon application by the Commission, or an applicable exemption to the CPCN requirements including the statutory exemption for construction in the ordinary course of

business. To illustrate, in the additional meter example noted above, the installation of additional smart meters would not be deemed to be pursuant to the CPCN granted in this proceeding. Were Public Service to pursue such a meter expansion project in Boulder, it would need to seek a CPCN, request a waiver of the CPCN rules from the Commission, or determine that the project could be completed pursuant to an applicable exemption to the CPCN requirements.

3. Cap on Capital Costs.

The Settling Parties agree to a hard cap on the capital costs of the SmartGridCity project as defined in Provision 1. The level of the cap would equal \$44,526,598, inclusive of AFUDC, which is the sum of the year-end plant balances reflected in Exhibit DAB-20, Schedule 7, page 3 of 4 in Docket No. 09AL-299E. As shown on Attachment 1, this amount equates to the projected capital costs for the project approved by the Commission in Docket No. 09AL-299E. The effect of this provision is to put Public Service at risk for any amounts it expends to complete the SmartGridCity project as its scope is presently envisioned (Provision 1). Public Service will not seek to recover through rates amounts expended that exceed this cap to complete the work identified in Provision 1, and the Settling Parties will not contest in any future proceeding Public Service's recovery of amounts for the SmartGridCity project up to this cap. This cap would not apply to any expansions of the SmartGridCity project beyond how it is currently set out in Provision 1 to which the CPCN applies (Provision 2). To illustrate using the meter example described above, Public Service would not be precluded from recovering its costs for such additional meters by virtue of this Provision 3. The cap

provided for in this Provision 3 would also not apply to capital costs that might be incurred to maintain the project on an ongoing basis.

4. Prudence.

Public Service believes the SmartGridCity project is prudent, and that the Commission was intending to make a prudence determination in this proceeding. Staff observed that Public Service in its application and direct testimony did not expressly request a determination on prudence, and as a result Staff initially took no position on prudence, but recommended that the Commission not rule on the prudence or presumption of prudence in this proceeding. However, Staff recognizes that the Commission in Decision No. C09-1446, paragraph 188, stated "the CPCN proceeding will allow the Commission to examine whether the costs incurred are prudent and in the public interest, and to monitor these costs in the future." Further, Public Service in the Rebuttal Testimony of Mr. Wilensky now makes it clear that the Company is asking for a finding of prudence for SmartGridCity costs. In addition, Public Service, Staff, Colorado Energy Consumers, and Energy Outreach Colorado, on November 18, 2009, entered into a settlement agreement in Docket No. 09AL-299E agreeing that rates be set based on Staff's historical test year cost of service model adjusted to include recovery of revenue requirements associated with the \$42 million plant-in-service balance at December 31, 2009, and other plant-related cost of service items, and associated with SmartGridCity. This equals \$44,526,598, inclusive of AFUDC, as reflected in Exhibit DAB-20, Schedule 7, page 3 of 4 in Docket No. 09AL-299E, which is the basis for the cap set out in Paragraph 3. Given that Staff entered into the settlement, that the Commission expressed its intent to examine the prudence of SmartGridCity costs in this



docket, and that Public Service has through rebuttal testimony clarified its intent and expectation that a finding of prudence be made in this proceeding, Staff supports a finding by the Commission that the \$44,526,598 costs detailed in this settlement are prudent.

5. DSCMCA Cost Recovery.

Public Service agrees that the amount of \$719,098 for the purchase of home controllers for SmartGrid was included in the cost of service in Docket No. 09AL-299E and is being recovered through base rates effective January 1, 2010. Forty percent (40%) of these same costs – or \$287,788 – were also included as DSM costs in Docket No. 08A-366EG and beginning July 1, 2010 are reflected in the deferred balance being collected through the DSMCA. The Company agrees to revise its DSMCA cost recovery to eliminate the double recovery of \$287,788 through a compliance filing to be made after the conclusion of this proceeding. The compliance filing will also define how the remaining balance of \$431,310 will be removed from future DSMCA cost recovery. This Provision 5 is contingent upon a Commission decision not to disallow any capital costs for the SmartGridCity project, other than those that may be disallowed through the application of the hard cap provided for in Provision 3.

6. Reporting Out of Findings.

Public Service agrees to report its findings regarding value propositions identified by Ms. Fisher through an exhibit to her direct testimony that it is currently analyzing in Phase 4 of the SmartGridCity project. Within 60 days of its completion, Public Service will file these findings with the Commission in this Docket. The reporting requirement provided for in this Provision 6 applies to the general results of the value proposition

analysis that is presently ongoing. To the extent that Public Service is assessing smart grid capabilities through separate pilot programs – i.e., the SmartGridCity Pricing pilot, which was approved by the Commission in Docket No. 09A-796E – any results will be separately reported consistent with the establishment and approval of the pilot.

7. Pre-filed Testimony.

It is understood that Staff will not sponsor at hearing the pre-filed answer testimonies of its witnesses Mr. DiDomenico and Mr. Brown, but will sponsor the testimony of another witness to support this Settlement Agreement. However, it is likewise understood that Public Service will not withdraw any portion of the rebuttal testimony of Mr. Wilensky which responds to the testimonies of Mr. DiDomenico and Mr. Brown, as well as other witnesses, given that his testimony as a whole (i) provides cost support for the SmartGridCity project that responds to concerns raised by other witnesses, (ii) provides the clarification regarding prudence that forms part of the basis for Staff's agreement in Paragraph 4, and (iii) provides evidentiary support for this Settlement Agreement. Public Service will also sponsor a witness or witnesses to support this Settlement Agreement. GEO will sponsor the answer testimony of Mr. Futch, who will also testify regarding why GEO supports this Settlement Agreement.

General Provisions

The Settling Parties agree to support this Settlement Agreement as being in the public interest and request that the Commission approve this Settlement Agreement in their statements of position. The Settling Parties pledge support for Commission approval and subsequent implementation of the provisions of this Settlement Agreement.

This Settlement Agreement provides for a negotiated resolution of the issues in this proceeding that involve compromise by each Settling Party. In any future negotiation, proceeding, or docket before the Commission (other than any proceeding that may involve the enforcement, interpretation, construction, or application of the terms of this Settlement Agreement), the Settling Parties shall not be bound or prejudiced by the Settlement Agreement; nothing in this Settlement shall constitute an admission by any Party of the correctness or applicability of any claim, defense, rule, or interpretation of law, allegation of fact, principle or method of ratemaking, or cost-of-service determination.

Except insofar as the Settling Parties are agreeing to support the Settlement Agreement, the Settlement Agreement shall not become effective until the issuance of a final Commission order approving the Settlement Agreement, which order does not contain any modification of its terms and conditions that is unacceptable to any of the Parties. In the event the Commission modifies this Settlement Agreement in a manner unacceptable to any Settling Party, that party shall have the right to withdraw from this Settlement Agreement. The withdrawing Settling Party shall notify the Commission and the other Settling Parties by email within seven business days of the Commission's final order modifying the Settlement Agreement that the Settling Party is withdrawing from the Settlement Agreement. In that notification, the withdrawing Settling Party shall provide a list of issues that it intends to raise at any subsequent stages of this proceeding.

Whether this Settlement Agreement is approved or not by the Commission, the negotiations or discussions undertaken in conjunction with the Settlement Agreement

shall not be admissible into evidence in this or any other proceeding, except as may be necessary in any proceeding to enforce this Settlement Agreement.

Approval by the Commission of this Settlement Agreement shall constitute a determination that the Settlement Agreement represents a just, equitable, and reasonable resolution of all issues that were or could have been contested among the Settling Parties in the above-captioned proceeding. The Settling Parties state that reaching Settlement Agreement in this docket by means of a negotiated settlement is in the public interest and that the results of the compromises and settlements reflected by this Settlement Agreement are just, reasonable, and in the public interest.

This Settlement Agreement may be executed in counterparts, all of which when taken together shall constitute the entire agreement with respect to the issues addressed by this Settlement Agreement.

Dated this 27th day of August 2010.

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COMPANY OF COLORADO**

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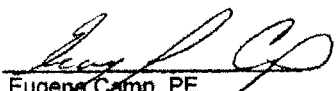
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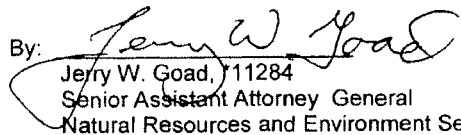
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ATTACHMENT 1

Public Service Company of Colorado  
Plant in Service Adjustments  
At December 31, 2008

Note: Items in red font have been added to the original version of this page  
Original executable filename: AvgRateBase0812RP.xls

Exhibit No. DAB-20  
Schedule 7  
Page 3 of 4

Revised for Docket No. 10A-124E

Line No.	Description	Plant Amount (Including AFUDC)	Depr. Reserve	Accum. Deferred Taxes	2010 Book Depr. Expense	2010 Deferred Tax Expense
1	Smart Grid - Electric Intangible:					
2	Dec-09	3,359,812	27,998	214,710		
3	Jan-10	3,375,705	84,128	228,179	56,129	11,469
4	Feb-10	3,375,754	140,390	237,848	56,282	11,469
5	Mar-10	3,375,754	196,852	249,118	56,283	11,469
6	Apr-10	3,375,754	252,815	260,587	56,283	11,469
7	May-10	3,375,754	309,179	272,056	56,283	11,469
8	Jun-10	3,375,754	365,440	283,525	56,283	11,469
9	Jul-10	3,375,754	421,703	294,995	56,283	11,469
10	Aug-10	3,375,754	477,965	306,464	56,283	11,469
11	Sep-10	3,375,754	534,228	317,933	56,283	11,469
12	Oct-10	3,375,754	590,490	329,402	56,283	11,469
13	Nov-10	3,375,754	646,753	340,871	56,283	11,469
14	Dec-10	3,375,754 (A)	703,016	352,341	56,283	11,469
15	Smart Grid - Electric Intangible Average/Total	3,374,524 (B)	365,450	283,525	675,017	137,631
16						
17	Smart Grid - Electric General:					
18	Dec-09	34,857,187	785,985	1,374,242		
19	Jan-10	34,857,209	1,001,871	1,569,873	215,875	195,631
20	Feb-10	34,857,209	1,217,748	1,765,504	215,875	195,631
21	Mar-10	38,261,322	1,445,855	1,961,136	228,109	195,631
22	Apr-10	38,265,822	1,698,210	2,158,767	240,355	195,631
23	May-10	38,265,835	1,926,578	2,352,398	240,368	195,631
24	Jun-10	38,265,835	2,166,945	2,548,029	240,368	195,631
25	Jul-10	38,265,835	2,407,313	2,743,660	240,368	195,631
26	Aug-10	38,265,835	2,647,681	2,939,291	240,368	195,631
27	Sep-10	38,265,835	2,888,048	3,134,922	240,368	195,631
28	Oct-10	38,265,835	3,128,416	3,330,553	240,368	195,631
29	Nov-10	38,265,835	3,368,784	3,526,184	240,368	195,631
30	Dec-10	38,265,835 (A)	3,609,152	3,721,815	240,368	195,631
31	Smart Grid - Electric General Average/Total	37,478,878 (B)	2,175,430	2,548,029	2,823,156	2,347,573
32						
33	Smart Grid - Electric Distribution:					
34	Dec-09	2,780,412	70,538	51,863		
35	Jan-10	2,780,412	78,753	55,550	6,215	3,687
36	Feb-10	2,780,412	82,969	59,238	6,215	3,687
37	Mar-10	2,780,412	89,184	62,923	6,215	3,687
38	Apr-10	2,780,412	95,400	66,609	6,215	3,687
39	May-10	2,780,412	101,615	70,296	6,215	3,687
40	Jun-10	2,780,412	107,830	73,983	6,215	3,687
41	Jul-10	2,780,412	114,048	77,669	6,215	3,687
42	Aug-10	2,780,412	120,261	81,356	6,215	3,687
43	Sep-10	2,780,412	126,477	85,042	6,215	3,687
44	Oct-10	2,780,412	132,692	88,729	6,215	3,687
45	Nov-10	2,780,412	138,907	92,415	6,215	3,687
46	Dec-10	2,780,412 (A)	145,123	96,102	6,215	3,687
47	Smart Grid - Electric Distribution Average/Total	2,780,412 (B)	107,830	73,983	74,585	44,239
48						
49	Smart Grid - Common General:					
50	Dec-09	104,596	3,540	(121)		
51	Jan-10	104,596	3,823	(134)	283	(13)
52	Feb-10	104,596	4,106	(147)	283	(13)
53	Mar-10	104,596	4,389	(159)	283	(13)
54	Apr-10	104,596	4,672	(172)	283	(13)
55	May-10	104,596	4,954	(185)	283	(13)
56	Jun-10	104,596	5,237	(198)	283	(13)
57	Jul-10	104,596	5,520	(211)	283	(13)
58	Aug-10	104,596	5,803	(223)	283	(13)
59	Sep-10	104,596	6,086	(236)	283	(13)
60	Oct-10	104,596	6,369	(249)	283	(13)
61	Nov-10	104,596	6,652	(262)	283	(13)
62	Dec-10	104,596 (A)	6,935	(274)	283	(13)
63	Smart Grid - Common General Average/Total	104,596	5,237	(198)	3,395	(153)
64						
65	Common Allocation to Electric	72.7216%	72.7216%	72.7216%	72.7216%	72.7216%
66						
67	Electric Portion	78,064 (B)	3,808	(144)	2,469	(112)
68						
69	Total Smart Grid (13 mo avg plant balance)	43,709,878	2,652,518	2,905,393	3,575,227	2,529,330
70	Sum of (B) items					
71						
72	Total Smart Grid (Year end plant balance)	44,526,698				
73	Sum of (A) items					



**CERTIFICATE OF SERVICE  
10A-124E**

I hereby certify that on this 27th day of August, 2010, the foregoing "SETTLEMENT AGREEMENT" was served upon each of the persons appearing below either through the Colorado Public Utilities Commission e-filing system or by other means in accordance with applicable law:

Doug Dean, Director  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
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and a copy was electronically served in Adobe .pdf format to the following:

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Cindy A. Kline

1  
\* Denotes persons who are being served with confidential proprietary information.  
# Denotes persons who are being served with highly confidential information.