

Decision No. R11-1013-I

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

DOCKET NO. 11A-609E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF THE 2X1 COMBINED-CYCLE NATURAL GAS-FIRED PLANT AT CHEROKEE STATION.

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**INTERIM ORDER OF  
ADMINISTRATIVE LAW JUDGE  
PAUL C. GOMEZ  
GRANTING PETITIONS FOR INTERVENTION  
AND SETTING PRE-HEARING CONFERENCE**

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Mailed Date: September 20, 2011

**I. STATEMENT**

1. Public Service Company of Colorado (Public Service) filed an application for a certificate of public convenience and necessity for the construction of a new 2x1 combined-cycle natural gas-fired plant at Cherokee Station (Application) on July 15, 2011. As part of its Application, Public Service filed the direct testimony and exhibits of Ms. Karen T. Hyde and Mr. James R. Vader.

2. On July 18, 2011, the Commission issued Notice of the Application (Notice) to all interested persons, firms, or corporations. The Notice advised that any person desiring to intervene in or participate as a party in this proceeding was required to file a petition for leave to intervene in this docket within 30 days after the date of the Notice, or no later than August 17, 2011.

3. At the Commissioners' Weekly Meeting on August 24, 2011, the Application was deemed complete and referred to an Administrative Law Judge (ALJ) for disposition.

4. The Colorado Office of Consumer Counsel (OCC) timely filed its notice of intervention as of right in this matter.

5. The following entities timely filed petitions to intervene by permission in this matter:

- Holy Cross Electric Association, Inc.;
- Colorado Mining Association;
- Intermountain Rural Electric Association;
- Climax Molybdenum Company and CF&I Steel, LP, doing business as Evraz Rocky Mountain Steel;
- Colorado Independent Energy Association;
- Colorado Energy Consumers;
- American Coalition for Clean Coal Electricity;
- Noble Energy, Inc. and EnCana Oil & Gas (USA); and
- Western Resource Advocates.

6. Public Service did not object to any of the timely interventions. The OCC's interventions as of right is noted. Good cause is found to grant all timely petitions to intervene by permission.

**A. Pre-Hearing Conference**

7. The ALJ finds it appropriate to set a pre-hearing conference in this matter for Wednesday October 5, 2011, to discuss procedural and administrative matters, as well as any other issues that may arise. At the pre-hearing conference, the parties should be prepared to discuss and set procedural dates, including dates for filing answer testimony, rebuttal testimony, and cross-answer testimony; a discovery schedule; dates for the filing of a stipulation and settlement agreement; dates for an evidentiary hearing; and the deadline for filing

Closing Statements of Position. The parties should be prepared to discuss any other relevant matters ancillary to this docket. The ALJ highly encourages the parties to discuss and arrive at a procedural schedule amongst themselves. In the event the parties arrive at a procedural schedule acceptable to all and file it with the Commission prior to October 5, 2011, the pre-hearing conference will be vacated.

## **II. ORDER**

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

1. A pre-hearing conference in this docket will be scheduled as follows:

DATE: October 5, 2011

TIME: 10:00 a.m.

PLACE: Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, Colorado

2. The intervention as of right filed by the Colorado Office of Consumer Counsel is noted.

3. The petitions to intervene filed by: Holy Cross Electric Association, Inc.; Colorado Mining Association; Intermountain Rural Electric Association; Climax Molybdenum Company and CF&I Steel, LP, doing business as Evraz Rocky Mountain Steel; Colorado Independent Energy Association; Colorado Energy Consumers; American Coalition for Clean Coal Electricity; Noble Energy, Inc. and EnCana Oil & Gas (USA); and, Western Resource Advocates are granted.

4. The parties are highly encouraged to arrive at a procedural schedule and file such schedule with the Commission prior to October 4, 2011.

5. This Order is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

PAUL C. GOMEZ

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director