

Decision No. C14-0479

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14R-0419ALL

IN THE MATTER OF THE PROPOSED RULES OF PRACTICE AND PROCEDURE,
4 CODE OF COLORADO REGULATIONS 723-1.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: May 8, 2014
Adopted Date: April 30, 2014

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking (NOPR) regarding proposed Rules of Practice and Procedure, 4 Code of Colorado Regulations (CCR), 723-1.

2. The Commission proposes rule amendments to correct omissions from Proceeding No. 12R-500ALL; to draw a distinction between attachments included in prefiled testimony and exhibits in a hearing; to clarify captions to a proceeding and titles to a pleading; to clarify procedures for immediate review of interim decisions; to clarify the timing of certain filings in proceedings where no statutory period for decision exists; to eliminate an inconsistency in the timing of motions to dismiss; and to make certain formatting, non-substantive changes.

3. The statutory authority for the proposed rules is found in §§ 40-2-108, 40-4-101, and 40-3-110, C.R.S.

4. The proposed rules in legislative (i.e., ~~strikeout~~/underline) format (Attachment A) and in final format (Attachment B) are available through the Commission's Electronic Filings (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=14R-0419ALL.

5. The Commission encourages and invites public comment to all updates.

B. Description of Individual Rule Changes

6. Proposed Rule 1202(b) clarifies the distinction between a proceeding caption and a pleading title.

7. Proposed Rule 1202(e) changes ‘exhibits’ filed with testimony to ‘attachments’ included in testimony, drawing the distinction between prefiled testimony in a proceeding and exhibits offered at hearing. Corresponding changes are made throughout the rules.

8. Proposed Rules 1308(e) and 1400(f) are revised to eliminate an inconsistency in the rules regarding the timing of the filing of motions to dismiss in a complaint proceeding.

9. Proposed Rule 1405(c) clarifies that the default time for serving discovery responses and objections in application proceedings where no statutory period for Commission decision exists is 10 days from service of a discovery request.

10. Proposed Rules 1502(b), (c), and (e) clarify the procedures for immediate review of interim decisions. These proposed rules list the circumstances where parties in adjudicatory proceedings and participants in rulemakings or other non-adjudicatory proceedings may seek a modification of interim decisions. These rules will not apply to amici curiae or commenters.

11. Proposed Rule 1505(a) clarifies that, in proceedings where no statutory period for Commission decision exists, parties may respond to exceptions within 14 days following service of the exceptions.

C. Conclusion

12. The proposed amendments will be published in the May 25, 2014 edition of *The Colorado Register*.

13. The Commission refers this matter to an Administrative Law Judge (ALJ). The ALJ will conduct a hearing on the proposed rules and related issues at the below-stated time and place. Interested persons may submit written comments on the proposed rules, including data, views, or arguments, and present these orally at hearing unless the ALJ deems oral presentations unnecessary. The Commission prefers and strongly encourages that interested persons submit comments through the Commission's E-Filings System and do so in this Proceeding No. 14R-0419ALL no later than **June 27, 2014**. (Link to the PUC E-Filings System: <https://www.dora.state.co.us/pls/efi/EFI.homepage>.) The Commission will consider all submissions, whether oral or written.

14. We desire to proceed with this rulemaking in an efficient and effective manner, which requires us to maintain an efficient timeline. Therefore, we request that commenters include alternate rule language, as necessary with their comments, by the date and manner specified above.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the May 25, 2014 edition of *The Colorado Register*.

2. A hearing on the proposed rules and related materials shall be held before an Administrative Law Judge (ALJ) as follows:

DATE: July 10 2014
TIME: 10:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado 80202

3. The ALJ may set additional hearings, if necessary.

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the ALJ deems oral comments unnecessary.

5. Interested persons may file written comments in this matter before hearing. The Commission prefers and strongly encourages that interested persons submit comments through the Commission’s Electronic Filings System and do so in this **Proceeding No. 14R-0419ALL** no later than **June 27, 2014**.

6. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
April 30, 2014**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners