

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0818E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR AN ORDER APPROVING EXPENSES INCURRED FOR THE PERIOD JANUARY 2013 THROUGH DECEMBER 2013 THAT ARE RECOVERED THROUGH THE ELECTRIC COMMODITY ADJUSTMENT CLAUSE AND APPROVING THE CALCULATION OF 2013 SHORT TERM SALES MARGINS.

**INTERIM DECISION STAYING RESPONSE TIME TO
EXCEPTIONS TO DECISION NO. R14-1370**

Mailed Date: December 12, 2014

Adopted Date: December 10, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of Public Service Company of Colorado's Motion to Stay the Response Time to Ms. Leslie Glustrom's Exceptions to Decision No. R14-1370, filed on December 3, 2014. Consistent with the discussion below, we grant the motion.

B. Background

2. On August 1, 2014, Public Service Company of Colorado (Public Service) filed an Application seeking approval of the 2013 fuel, purchase energy, and purchase wheeling costs that Public Service collects through the Electric Commodity Adjustment (ECA) clause.

3. Ms. Leslie Glustrom filed a motion for permissive intervention in this proceeding on September 2, 2014. The Colorado Office of Consumer Counsel (OCC) filed a notice of intervention as of right on September 3, 2014.

4. The matter was referred to an Administrative Law Judge (ALJ) for disposition on the merits and consideration of Ms. Glustrom's request for permissive intervention. By Decision No. R14-1139-I, issued September 17, 2014, the ALJ denied Ms. Glustrom's intervention, extended the time for a Commission decision, vacated the procedural schedule, and scheduled a prehearing conference.

5. On October 7, 2014, Ms. Glustrom requested reconsideration of her motion to intervene,¹ and Public Service timely filed a response in opposition to Ms. Glustrom.

6. On October 29, 2014, the OCC moved to withdraw its intervention and its request for a hearing.

7. On October 31, 2014, by Recommended Decision No. R14-1319, the ALJ denied Ms. Glustrom's motion to reconsider (Intervention Decision).

8. On November 14, 2014, by Decision No. R14-1370, the ALJ granted Public Service's application, vacated the scheduled hearings, and granted OCC's withdrawal of intervention (Application Decision).

9. On November 19, 2014, Ms. Glustrom filed exceptions to the Intervention Decision, and Public Service timely filed a response to Ms. Glustrom's exceptions.

10. On December 1, 2014, by Decision No. C14-1418, the Commission stayed the Application Decision to allow for Commission review of Ms. Glustrom's exceptions to the Intervention Decision and Public Service's response.

¹ Ms. Glustrom titled her filing as "Exceptions to Decision No. R14-1139-I." The ALJ construed the filing as a "Motion to Reconsider," under Rule 1502(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, because he did not certify Decision No. R14-1139-I as an interim decision that could be immediately appealed to the Commission *en banc* pursuant to Rule 1502(d), 4 CCR. 723-1.

11. On December 2, 2014, Ms. Glustrom filed exceptions to the Application Decision. Responses to Ms. Glustrom's exceptions are due on December 16, 2014. *See* Rule 1505(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

12. On December 3, 2014, Public Service filed a Motion to Stay the Response Time to Ms. Glustrom's Exceptions to the Application Decision until the Commission permits her to intervene.

C. Findings and Conclusions

13. Under Rule 1505(a), "any party" may file exceptions to a recommended decision within 20 days after the decision is issued. Ms. Glustrom is not a party to this proceeding because she has not been permitted to intervene. *See* Rule 1200(a)(V), 4 CCR 723-1 ("parties" include interveners); Rule 1401, 4 CCR 723-1 (allowing permissive intervention by a residential consumer only if her interest is distinct from other consumers and not adequately represented).

14. The Commission has stayed the Application Decision while it considers Ms. Glustrom's Exceptions to the Intervention Decision. Public Service argues that it would therefore be premature, and possibly unnecessary, to respond to Ms. Glustrom's exceptions to the Application Decision unless the Commission grants her permission to intervene.

15. If the Commission grants Ms. Glustrom's exceptions to the Intervention Decision, and permits Ms. Glustrom to intervene, Public Service requests the opportunity to then respond to her exceptions to the Application Decision.

16. The Commission finds Public Service's request reasonable and finds good cause to grant its motion.

II. ORDER

A. It Is Ordered That:

1. Public Service Company of Colorado's Motion to Stay Response Time to Ms. Leslie Glustrom's Exceptions to Decision No. R14-1370, filed December 3, 2014, is granted.

2. This Decision is effective upon its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING December 10, 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