

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13AL-0958E

IN THE MATTER OF ADVICE LETTER NO. 1649 - ELECTRIC FILED BY PUBLIC SERVICE COMPANY OF COLORADO TO IMPLEMENT A NEW METHODOLOGY TO DERIVE PAYMENT RATES APPLICABLE TO QUALIFYING FACILITIES (“QFS”) WITH A DESIGN CAPACITY BETWEEN 10 AND 100KW, TO BECOME EFFECTIVE SEPTEMBER 27, 2013.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SUSPENDING EFFECTIVE DATE OF
TARIFFS APPENDED TO ADVICE LETTER
NO. 1649 - ELECTRIC AMENDED**

Mailed Date: January 17, 2014

I. STATEMENT

1. On August 27, 2013, Public Service Company of Colorado (Public Service, PSCo, or Company), filed Advice Letter No. 1649 - Electric (Advice Letter) to implement a new method to derive payment rates for Qualifying Facilities with a design capacity between 10 and 100 kilowatts (kW) in Public Service’s Electric Purchase - Small Power Production and Cogeneration Facility Policy Section of PSCo’s P.U.C. No. 7 - Electric tariff. Appended to the Advice Letter are proposed tariff sheets that, if in effect, would implement the new method.

2. On September 25, 2013, by Decision No. C13-1196, the Commission set this matter for hearing, thus suspending the effective date of the proposed tariff sheets that accompanied the Advice Letter. The initial suspension period expires on January 25, 2014. On October 30, 2013, Decision No. R13-1367-I further suspended, to and including April 25, 2014, the effective date of those proposed tariff sheets.

3. The following intervened as of right or were granted permission to intervene in this Proceeding: Trial Staff of the Commission (Staff); the Vote Solar Initiative (Vote Solar); and Western Colorado Power Company, LLC (WCPC).

4. In Decision No. C13-1196, the Commission referred this Proceeding to an Administrative Law Judge (ALJ).

5. The procedural history of this Proceeding is set out in Interim Decisions previously issued in this matter. The ALJ repeats the procedural history as necessary to put this Interim Decision in context.

6. On January 13, 2014, Public Service filed an Unopposed Motion to Modify and Extend Procedural Schedule. On January 14, 2014, by Decision No. R14-0046-I, the ALJ granted that motion subject to the condition that Public Service file, not later than January 17, 2014, an amended Advice Letter No. 1649 - Electric that changes the effective date of the proposed tariff sheets appended to the Advice Letter and that makes no other changes to those proposed tariff sheets.

7. On January 16, 2014, Public Service filed its Advice Letter No. 1649 - Electric Amended (Amended Advice Letter). Appended to the Amended Advice Letter are proposed tariff sheets that contain an effective date of February 15, 2014 and that are otherwise identical to the proposed tariff sheets appended to the Advice Letter. The Amended Advice Letter and appended proposed tariff sheets comply with the requirements of Decision No. R14-0046-I.

8. The Amended Advice Letter, the appended proposed tariff sheets, and the new effective date supersede in their entirety the Advice Letter, the tariff sheets appended to the Advice Letter, and the original effective date.

9. Pursuant to § 40-6-111(1), C.R.S., and in its discretion, the Commission may suspend the effective date of the proposed tariff sheets for 120 days from the February 15, 2014 effective date. If the Commission does not establish new rates before the expiration of the suspension period of 120 days (*i.e.*, June 15, 2014¹), the tariff sheets filed with the Amended Advice Letter may become effective.

10. Pursuant to § 40-6-111(1), C.R.S., and in its discretion, the Commission, by separate decision, may suspend for an additional 90 days the effective date of the tariff sheets filed with the Amended Advice Letter. Thus, the Commission has the authority to suspend the effective date of the tariff sheets filed with the Amended Advice Letter for a maximum of 210 days (*i.e.*, until September 13, 2014²). If the Commission suspends the effective date of the tariff sheets that accompany the Amended Advice Letter for an additional 90 days and if no new rates are established by the Commission before September 13, 2014, the tariff sheets that accompany the Amended Advice Letter may become effective.

11. By this Interim Decision and pursuant to § 40-6-111(1), C.R.S., the ALJ will suspend for 120 days (*i.e.*, through and including **June 15, 2014**), the February 15, 2014 effective date of the proposed tariff sheets appended to the Amended Advice Letter.

II. ORDER

A. It Is Ordered That:

1. Advice Letter No. 1649 - Electric Amended (filed on January 16, 2014), the proposed tariff sheets appended to it, and the effective date of those proposed tariff sheets

¹ The ALJ notes that June 15, 2014 is a Sunday. Nonetheless, the tariffs may become effective on that date.

² The ALJ notes that September 13, 2014 is a Saturday. Nonetheless, the tariffs may become effective on that date.

supersede Advice Letter No. 1649 - Electric (filed on August 27, 2013), the proposed tariff sheets appended to it, and the effective date of those proposed tariff sheets.

2. The February 15, 2014 effective date of the proposed tariff sheets filed by Public Service Company of Colorado with Advice Letter No. 1649 - Electric Amended is suspended for 120 days (*i.e.*, until June 15, 2014) or until further order of the Commission.

3. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director