

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

PROCEEDING NO. 13R-1151E

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IN THE MATTER OF THE PROPOSED AMENDMENTS PURSUANT TO HOUSE BILL  
13-1292 TO THE RULES REGULATING ELECTRIC UTILITIES 4 CODE OF COLORADO  
REGULATIONS 723-3.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
PAUL C. GOMEZ  
ISSUING SUPPLEMENTAL NOTICE  
OF PROPOSED RULEMAKING  
SETTING ADDITIONAL HEARING**

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Mailed Date: April 4, 2014

**I. STATEMENT**

1. The Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) on November 12, 2013 by Decision No. C13-1361, to amend the rules regulating electric utilities contained in 4 *Code of Colorado Regulations* 723-3, consistent with House Bill (HB) 13-1292. HB 13-1292 was enacted by the 2013 General Assembly and signed into law by Governor Hickenlooper on May 24, 2013.

2. HB 13-1292 modifies § 40-2-129, C.R.S., by specifying that, when evaluating utility requests for a Certificate of Public Convenience and Necessity for the construction or expansion of generating facilities, including pollution control and fuel conversion projects of existing coal-fired plants, the Commission shall consider, on a qualitative basis, factors that affect employment and the long-term economic viability of Colorado communities.

3. The NOPR, with attached proposed rules, also scheduled an initial hearing on the proposed rules for January 16, 2014. The Commission also referred the rulemaking to

an Administrative Law Judge (ALJ). The matter was subsequently assigned to the undersigned ALJ.

4. At the scheduled date and time, the rulemaking public hearing was held. As part of the discussion by the parties, the ALJ was informed that the parties were in discussions as to whether consensus was possible regarding certain amendments to the Commission's proposed rules. On March 3, 2014, Public Service filed a Status Report and Request for Hearing, in which it states that the parties have reached a consensus proposal and request that a new hearing date be set to present those results to the ALJ.

5. Good cause is found to set an additional hearing in this matter to take additional comment on the parties' proposed amendments to the Commission's rules.

6. The proposed rules in legislative (*i.e.*, strikeout/underline) format are available through the Commission's Electronic Filings system at:

[https://www.dora.state.co.us/pls/efi/EFL.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=13R-1151E](https://www.dora.state.co.us/pls/efi/EFL.Show_Docket?p_session_id=&p_docket_id=13R-1151E)

## **II. ORDER**

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

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

2. A hearing on the proposed rules and related matters shall be held as follows:

DATE May 15, 2014  
 TIME: 9:00 a.m.  
 PLACE: Commission Hearing Room  
 1560 Broadway, Suite 250  
 Denver, Colorado

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

3. Interested persons may file written comments in this matter before hearing. Pre-filed comments are to be submitted no later than April 24, 2014, and any pre-filed comments responsive to the initial comments are to be submitted no later than May 1, 2014. The Commission will consider all submissions, whether oral or written.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
 OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,  
 Director