

Decision No. R14-0777-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0516G

CARESTREAM HEALTH LLC,

COMPLAINANT,

V.

XCEL ENERGY DOING BUSINESS AS PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
SETTING PROCEDURAL SCHEDULE**

Mailed Date: July 8, 2014

I. STATEMENT

1. On May 20, 2014, Carestream Health LLC (Complainant) filed a Complaint against Xcel Energy, doing business as Public Service Company of Colorado (Public Service or Respondent). That filing commenced this proceeding.

2. On May 28, 2014 a hearing was set in this matter for August 11, 2014.

3. On May 28, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

4. On June 17, 2014, Public Service filed their Answer to the Complaint. The Answer included both specific and general denials of the allegations in the Complaint and put this proceeding at issue.

5. On June 20, 2014, by Interim Decision No. R14-0673-I, the evidentiary hearing was vacated and a prehearing conference was scheduled for July 8, 2014. At the prehearing conference, the parties agreed to a procedural schedule. This Decision memorializes the agreements made at the prehearing conference.

6. The parties have agreed upon the following procedural schedule:

Complainant's & Respondent's Witness and Exhibit List & Exhibits due date.....	September 22, 2014
Deadline for prehearing motions	November 7, 2014
Deadline for Stipulations	November 14, 2014
Evidentiary Hearing on Application	November 19-21, 2014
Statements of Position.....	December 5, 2014

7. Witness lists shall include a description of the witnesses' anticipated testimony and the witnesses' last known address and telephone number.

8. If a party intends to introduce any documents in support of their case, they **must file and serve** an exhibit list which references that document and they must serve the exhibit on the other party. An exhibit is any document or other tangible item the party wishes the ALJ to consider in reaching a decision in this matter.

9. As referenced in this Decision, serving a party with any document (*e.g.*, witness and exhibit lists and exhibits) means that the party is required to give the document to the other party to the proceeding. Service may be accomplished by United States Mail, or through the Commission's E-filing system, if the party is registered with the E-filing system.

10. Except as stated below, all parties must demonstrate through a certificate of service that they have served the filed document on the other party. Documents served through the Commission's E-filing system do not require a certificate of service. A certificate of service

is a statement indicating how and when a document was served on the other party (*e.g.*, the filing was served by placing the document in the United States mail, first class postage-prepaid to an identified address on an identified date).

11. Likewise, reference to filing a document means that the party shall provide the document to the Commission.

12. All exhibits shall be identified by sequential numbers (*e.g.*, Exhibit 1, Exhibit 2, and Exhibit 3). The exhibits shall include the following information: exhibit number, proceeding number, name of the witness who will testify to the exhibit's foundation, and the date of the hearing. The parties may utilize the Commission's exhibit stamp to include this information on the exhibits; the parties are advised that they must have all their exhibits stamped prior to the time the hearing is scheduled to begin.

13. At the hearing, the parties shall bring an original and two copies of each exhibit they intend to introduce at the hearing. The filing of an exhibit with the Commission does not, by itself, admit an exhibit into the record of the proceeding.

14. If any exhibit is longer than two pages, the party offering the exhibit shall sequentially number each page of the exhibit.

15. **The parties are on notice** that no witness, other than the Respondent, shall be permitted to testify, except in rebuttal, unless that witness is identified on a list of witnesses filed and served as required herein. **The parties are on notice** that failure to provide a description of the witnesses' testimony may also result in an order prohibiting such witness from testifying.

16. **The parties are on notice** that no exhibit will be received in evidence, except in rebuttal, unless filed and served as required herein.

17. **All parties are advised** that this proceeding is governed by the Rules of Practice and Procedure found at 4 *Code of Colorado Regulations* 723-1, Part 1. The ALJ expects the parties to comply with the Rules of Practice and Procedure. The rules are available on the Commission's website and in hard copy from the Commission.

18. Any party wishing to make an oral closing statement may do so immediately following the close of the evidence.

II. **ORDER**

A. **It Is Ordered That:**

1. An evidentiary hearing in this matter is scheduled as follows:

DATES: November 19 through 21, 2014

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. The procedural schedule as stated in ¶ 6 above, is adopted.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director