

Decision No. R14-1102-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14AL-0660E

IN THE MATTER OF ADVICE LETTER NO. 1672 - ELECTRIC OF PUBLIC SERVICE COMPANY OF COLORADO TO REVISE THE GENERAL RATE SCHEDULE ADJUSTMENT (GRSA) RIDER APPLICABLE TO ALL ELECTRIC BASE RATE SCHEDULES AND REVISE THE TRANSMISSION COST ADJUSTMENT (TCA) TO REMOVE COSTS THAT HAVE BEEN SHIFTED TO BASE RATES TO BECOME EFFECTIVE JULY 18, 2014.

PROCEEDING NO. 14A-0680E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS ARAPAHOE DECOMMISSIONING AND DISMANTLING PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
ESTABLISHING PROCEDURES FOR
MOTIONS PERTAINING TO DISCOVERY,
ESTABLISHING PROCEDURES FOR
MOTIONS SEEKING EXTRAORDINARY
PROTECTION, AND SHORTENING
RESPONSE TIME TO SUCH MOTIONS**

Mailed Date: September 9, 2014

I. STATEMENT

1. The procedural history of this Proceeding is set out in previous Commission Decisions and is repeated here as necessary to put this Interim Decision in context.

2. On August 28, 2014, by Decision No. C14-1043, as pertinent here, the Commission referred to an Administrative Law Judge (ALJ) the following:

(a) motions pertaining to discovery; and (b) motions seeking extraordinary protection of information that is found to be highly confidential.

A. Discovery.

3. Unless otherwise ordered, Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1405¹ will govern discovery.

4. By this Interim Decision, the ALJ will establish the procedures to be followed when filing a motion pertaining to discovery and when responding to such a motion. Motions pertaining to discovery include, without limitation, motions to compel response to discovery and motions for protective orders.

5. A motion pertaining to discovery may be filed at any time.

6. A motion pertaining to discovery must comply with the applicable Colorado Rules of Civil Procedure, as defined in Rule 4 CCR 723-1-1004(g) and incorporated by reference by Rule 4 CCR 723-1-1405(a), and must comply with Rule 4 CCR 723-1-1405(g). **The Parties² are advised and are on notice that** the ALJ will deny a motion pertaining to discovery that does not comply with the requirements of the cited rules.

7. Response to a motion pertaining to discovery must be written and must be filed within *three business days of service of the motion*.³

8. **The Parties are advised and are on notice that**, pursuant to Rule 4 CCR 723-1-1400(d), the ALJ may deem to be confessed a motion pertaining to discovery to which no response is filed.

¹ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

² Unless the context indicates otherwise, Parties include Public Service Company of Colorado and the individuals and entities which have intervened by right or which the Commission has permitted to intervene.

³ By this Interim Decision, the ALJ will shorten response time to a motion pertaining to discovery.

9. If necessary, the ALJ will hold a hearing on a motion pertaining to discovery as soon as practicable after the motion and the response are filed.

B. Motion for Extraordinary Protection of Information.

10. Unless otherwise ordered, Rules 4CCR 723-1-1100 and 723-1-1101 will govern the treatment of information claimed to be confidential and of information that has been determined to be highly confidential.

11. By this Interim Decision, the ALJ will establish the procedures to be followed when filing a motion for extraordinary protection of information that is highly confidential (motion for extraordinary protection) and when responding to such a motion.

12. A motion for extraordinary protection may be filed at any time.

13. A motion for extraordinary protection must comply with Rule 4 CCR 723-1-1101(b). *See also* Rule 4CCR 723-1-1101(d) (service of motion for extraordinary protection). **The Parties are advised and are on notice that** the ALJ will deny a motion for extraordinary protection that does not comply with the requirements of Rule 4 CCR 723-1-1101(b).

14. Response to a motion for extraordinary protection must be written and must be filed within *three business days of service of the motion*.⁴

15. **The Parties are advised and are on notice that**, pursuant to Rule 4 CCR 723-1-1400(d), the ALJ may deem to be confessed a motion for extraordinary protection to which no response is filed.

⁴ By this Interim Decision, the ALJ will shorten response time to a motion for extraordinary protection.

16. If necessary, the ALJ will hold a hearing on a motion for extraordinary protection as soon as practicable after the motion and the response are filed.

17. On August 18, 2014, Public Service Company of Colorado filed its Third Motion for Extraordinary Protection. The ALJ will address that motion by separate Interim Decision.

II. **ORDER**

A. **It Is Ordered That:**

1. Unless otherwise ordered, Rule 4 *Code of Colorado Regulations* 723-1-1405 shall govern discovery.

2. Consistent with the discussion above, response time to a motion pertaining to discovery is shortened to three business days from the date of service.

3. Unless otherwise ordered, Rules 4 *Code of Colorado Regulations* 723-1-1100 and 723-1-1101 shall govern the treatment of information claimed to be confidential and of information that has been determined to be highly confidential.

4. Consistent with the discussion above, response time to a motion seeking extraordinary protection of information claimed to be highly confidential is shortened to three business days from the date of service.

5. The Parties are held to the advisements contained in the Decisions issued in this Proceeding.

6. 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

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

Doug Dean,
Director