

Decision No. R14-1189-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0336EG

DEVELOPMENT RECOVERY COMPANY LLC ON BEHALF OF THE RYLAND GROUP,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-0404EG

DEVELOPMENT RECOVERY COMPANY LLC ON BEHALF OF THE RICHMOND
AMERICAN HOMES OF COLORADO, INC.,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
DENYING UNOPPOSED MOTION FOR EXTENSION OF
PROCEDURAL SCHEDULE; VACATING HEARING;
STAYING PROCEEDING; AND REQUIRING FILING**

Mailed Date: September 29, 2014

I. STATEMENT

1. On April 14, 2014, Development Recovery Company LLC (DRC) on behalf of the Ryland Group filed a Complaint against Public Service Company of Colorado (Public Service or Respondent). This filing commenced Proceeding No. 14F-0336EG.

2. On April 24, 2014, DRC on behalf of Richmond American Homes of Colorado, Inc. filed a Complaint against Public Service. This filing commenced Proceeding No. 14F-0404EG.

3. The procedural history of this proceeding is set out in previous Decisions and is repeated here as necessary to put this Decision in context.

4. By Interim Decision No. R14-1082-I, issued on September 5, 2014, a procedural schedule was adopted.

5. On September 26, 2014, DRC filed its Unopposed Motion for an Extension of Procedural Schedule and for Waiver of Response Time (Motion). In the Motion, DRC states that, contemporaneous with the Motion, Respondent is submitting a Notice of Withdrawal of its counsel and due to the need to find new counsel, requests an extension to the procedural schedule of 45 days.

6. Public Service does not object to the relief.

7. *Rule 1201(a) of the Rules of Practice and Procedure, 4 Code of Colorado Regulations (CCR) 723-1*, requires a party in a proceeding before the Commission to be represented by an attorney. Due to the amount in controversy, the exceptions to *Rule 1201(a) 4 CCR 723-1*, are not applicable to DRC.

8. Due to the complexities of the proceeding, and the short time until testimony is to be filed in this proceeding, the undersigned ALJ does not believe that new counsel could meet the deadlines, even if the extension of 45 days is granted.

9. The undersigned ALJ shall stay the proceeding until DRC obtains new counsel. DRC shall have 30 days from this Decision to obtain counsel.

10. If an entry of appearance of counsel, currently in good standing before the Supreme Court of the State of Colorado, is not filed by October 29, 2014, on behalf of DRC, the consolidated proceeding shall be dismissed without prejudice.

11. The evidentiary hearing scheduled for December 17, 2014 shall be vacated.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion for an Extension of Procedural Schedule and for Waiver of Response Time, filed by Development Recovery Company LLC (DRC) on behalf of the Ryland Group on September 26, 2014 is denied.

2. The above captioned proceeding is stayed pending a further decision.

3. DRC shall retain an attorney; such attorney shall enter an appearance in this proceeding on or before October 29, 2014. Failure to make this filing shall result in the consolidated proceeding being dismissed without prejudice.

4. The evidentiary hearing scheduled for December 17, 2014, is vacated.

5. 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