

Decision No. R14-1237-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13F-0145E

LA PLATA ELECTRIC ASSOCIATION, INC.; EMPIRE ELECTRIC ASSOCIATION, INC.;
AND, WHITE RIVER ELECTRIC ASSOCIATION, INC.,

COMPLAINANTS,

V.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
ESTABLISHING HEARING PROCEDURES**

Mailed Date: October 10, 2014

I. STATEMENT

1. The procedural schedule in this proceeding was established by Interim Decision No. R14-0423-I, issued April 23, 2014, as amended by Interim Decision No. R14-0682-I, issued June 23, 2014, which set an evidentiary hearing for November 3 through 7, 2014.

2. Because no further pre-hearing conferences are scheduled prior to the start of the hearings, this Decision will set out several basic procedural components in order to improve the efficiency of the hearings.

3. First of all, Complainants, La Plata Electric Association, Inc.; Empire Electric Association, Inc.; and White River Electric Association, Inc. and Respondent, Tri-State Generation and Transmission Association, Inc. shall confer to develop a witness list with an

order of cross-examination and estimated cross-examination times for each witness.¹ The witness list and cross-examination times are to be filed no later than October 29, 2014.

4. The parties are also directed to mark the hearing exhibits corresponding to their witnesses' pre-filed testimony prior to the commencement of the hearing on Monday, November 3, 2014. The parties are to confer and file an initial hearing exhibit list no later than October 29, 2014. A court reporter will be available in the hearing room prior to the commencement of the Monday hearing in order to assist the parties in marking exhibits.²

5. At the start of the hearing on November 3, 2014, the parties are to stipulate into the evidentiary record all of the marked, pre-filed testimony and exhibits. Consequently, the parties are directed to confer regarding the admission of pre-filed testimony and exhibits prior to the commencement of the hearings on November 3, 2014. The pre-filed testimony and exhibits marked as hearing exhibits shall include all necessary corrections.

6. As there appears to be a large volume of confidential exhibits, the cross-examination of witnesses is to be structured in a manner that minimizes the instances when the hearing room must be cleared for purposes of protecting confidential and highly confidential information.

7. Finally, the unique nature of this proceeding has been acknowledged throughout the entire proceeding. Consequently, departing from usual Commission practice, the parties will be allowed to make opening statements at the commencement of the hearing on Monday November 3, 2014 if they so choose. However, the opening statements will be limited to

¹ While the parties should calculate cross-examination times as accurately as possible, the parties will not be strictly held to those times, unless it appears to the Administrative Law Judge that insufficient time exists to complete cross-examination of all witnesses within the allotted hearing time.

² Please note that as it is anticipated that additional exhibits will be offered throughout the hearing, those additional exhibits will not be required to be included in the initial hearing exhibit list.

15 minutes for Complainants and 15 minutes for Respondent. The opening statements will be confined to the facts of the case. No legal argument will be permitted. The 15-minute time limit will be strictly enforced.

II. ORDER

A. It Is Ordered That:

1. The hearing procedures as set out above shall be adopted.
2. A witness list as described above shall be due no later than October 29, 2014.
3. An initial exhibit list as described above shall be due no later than October 29, 2014.
4. The parties shall be held to the advisements in this Decision.
5. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge