

Decision No. R14-1329-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
GRANTING MOTION TO AMEND
PROTECTIVE ORDER, MODIFYING
EXTRAORDINARY PROTECTIONS |
ORDERED IN DECISION NO. R14-1256-I,
AND GRANTING WAIVER OF RESPONSE TIME**

Mailed Date: November 4, 2014

I. STATEMENT

1. The procedural history of this Proceeding is set out in previous 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) all motions seeking extraordinary protection of information that is found to be highly confidential.

3. On October 9, 2014, Public Service Company of Colorado (Public Service or Company) filed its Fourth Motion for Extraordinary Protection (Fourth Motion).¹

4. On October 17, 2014, by Decision No. R14-1256-I, the ALJ granted the Fourth Motion, which was unopposed; found that the 14 documents discussed in the motion and listed in that Interim Decision contain highly confidential information; and ordered extraordinary protections for the 14 documents.

5. On October 28, 2014, Public Service filed (in one document) its Motion to Amend Protective Order [Motion to Amend], Request for an Expedited Ruling [Request for Ruling] and Waiver of Response Time [Request for Waiver]. On October 28, 2014, by electronic mail, the ALJ ruled on this filing. This Interim Decision memorializes those rulings.

6. With respect to the Request for Waiver, the ALJ finds that the request states good cause. In addition, the ALJ finds that, given the nature of the relief sought, no party will be prejudiced by waiving response time. The ALJ will grant the Request for Waiver and will waive response time to the Motion to Amend.

7. With respect to the Request for Ruling, the ALJ finds that the request states good cause. In addition, the ALJ finds that, given the nature of the relief sought, no party will be prejudiced by issuance of an expedited ruling. The ALJ will grant the Request for Ruling and, by this Interim Decision, will issue an expedited ruling on the Motion to Amend.

¹ The motion was filed in Proceeding No. 14AL-0660E.

8. In the Motion to Amend, the Company seeks a modification of the extraordinary protections afforded to one document: the 2013 Towers Watson Compensation DataBank Energy Services Middle Management, Professional and Support Compensation Survey Report² (Report).

9. The Motion to Amend at Attachment A (October 17, 2014 letter from Towers Watson Delaware, Inc. (Towers Watson), to Ms. Sharon Koenig, Director of Compensation, Xcel Energy, Inc.) contains the requested extraordinary protections. The Company states that the proposed extraordinary protections: (a) are the result of an agreement between Towers Watson, which is the salary survey vendor that owns the highly confidential proprietary data in the Report, and Public Service; (b) balance the interests of the vendor (by providing a high level of confidential treatment) and the Parties in this Proceeding (by allowing access to information used by and relied on by the Company to develop its direct case); and (c) treat all intervenors equitably (by allowing all intervenors to have access to the information in accordance with the proposed extraordinary protections).

10. As the party seeking an order from the Commission, Public Service bears the burden of establishing that the requested relief should be granted. Section 24-4-105(7), C.R.S.; Rule 4 *Code of Colorado Regulations* 723-1-1101(b).³

11. The ALJ finds that the Motion to Amend states good cause and that no party will be prejudiced if the Motion to Amend is granted. The ALJ will grant the Motion to Amend and will modify the extraordinary protections ordered in Decision No. R14-1256-I as follows: for the Report only, the extraordinary protections will be those set out in the October 17, 2014 letter

² Decision No. R14-1256-I and the Motion to Amend identify this highly confidential document as: Towers Watson Data Services Compensation Database Energy Services Middle Management, Professional & Support Compensation Survey - U.S.

³ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

from Towers Watson to Ms. Sharon Koenig, Director of Compensation, Xcel Energy, Inc., which correspondence is attached to this Interim Decision as Appendix A. Disclosure of the Report will be conditioned on the signing and filing of the Nondisclosure Agreement attached to the Fourth Motion⁴ and on the conditions set out in this Interim Decision.

12. Except as modified by this Interim Decision, the extraordinary protections afforded by Decision No. R14-1256-I will remain in effect.

II. ORDER

A. It Is Ordered That:

1. The Motion to Amend Protective Order is granted.

2. The extraordinary protections ordered in Decision No. R14-1256-I are modified as set out in this Interim Decision.

3. The October 17, 2014 letter from Towers Watson Delaware, Inc., to Ms. Sharon Koenig, Director of Compensation, Xcel Energy, Inc., is attached to this Interim Decision as Appendix A and is incorporated here by reference as if set out in full.

4. The extraordinary protections afforded to the highly confidential Towers Watson Data Services Compensation DataBank Energy Services Middle Management, Professional and Support Compensation Survey Report are those set out in the October 17, 2014 letter from Towers Watson Delaware, Inc., to Ms. Sharon Koenig, Director of Compensation, Xcel Energy, Inc. These extraordinary protections are in lieu of those contained in Decision No. R14-1256-I.

5. Disclosure of the highly confidential information identified in Ordering Paragraph No. 4 is conditioned on the signing and filing of the Nondisclosure Agreement attached to the

⁴ For the reasons stated in Decision No. R14-1256-I, employees of the Commission are not required to sign the Nondisclosure Agreement attached to the Fourth Motion.

Fourth Motion for Extraordinary Protection filed on October 9, 2014 as augmented by the October 17, 2014 letter from Towers Watson Delaware, Inc., to Ms. Sharon Koenig, Director of Compensation, Xcel Energy, Inc.

6. Except as modified by this Interim Decision, the extraordinary protections afforded by Decision No. R14-1256-I remain in effect.

7. The Request for Waiver of Response Time is granted.

8. Response time to the Motion to Amend Protective Order is waived.

9. The Request for an Expedited Ruling is granted.

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

11. This Interim Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge