

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19AL-0290E

IN THE MATTER OF ADVICE LETTER NO. 1798 FILED BY PUBLIC SERVICE
COMPANY OF COLORADO TO IMPLEMENT SECONDARY VOLTAGE TIME-OF-USE
ELECTRIC VEHICLE SERVICE TO BECOME EFFECTIVE JUNE 24, 2019.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
VACATING PREHEARING CONFERENCE, GRANTING
INTERVENTIONS, DENYING INTERVENTIONS,
EXTENDING EFFECTIVE DATE FOR TARIFF SHEETS,
AND ADOPTING PROPOSED PROCEDURAL SCHEDULE**

Mailed Date: July 23, 2019

TABLE OF CONTENTS

I. STATEMENT.....	1
II. INTERVENTIONS.....	6
A. Standard for Intervention.....	6
B. Interventions by Right	8
C. Permissive Interventions	8
III. MOTION FOR PROPOSED PROCEDURAL SCHEDULE.....	15
IV. REQUEST FOR TELEPHONIC PARTICIPATION.....	16
V. FURTHER SUSPENSION OF EFFECTIVE DATE OF TARIFF SHEETS	16
VI. ORDER.....	17
A. It Is Ordered That:	17

I. STATEMENT

1. On May 24, 2019, Public Service Company of Colorado (Public Service) filed Advice Letter No. 1798-Electric with tariff sheets establishing a Secondary Voltage Time-of-Use

Electric Vehicle Service (Schedule S-EV) with Direct Testimony of witnesses Jack Ihle and Steven Wishart. The proposed effective date of the tariff filed with Advice Letter No. 1798-Electric is June 24, 2019.

2. Schedule S-EV offers an optional service that would be available to large, non-residential customers for charging their own electric vehicles (EVs) or providing charging services to third parties for a fee. The tariff sheets set forth rates including a monthly service and facilities charge and a monthly demand charge, as well as per kilowatt hour charges for “On Period,” “Off Period,” and “Called Critical Peak Hours.” Public Service states that the creation of Schedule S-EV will not directly affect any other service or customer class.

3. On June 13, 2019, by Decision No. C19-0491, the effective date of the tariff sheets was suspended and Proceeding No. 19AL-0290E was referred to an Administrative Law Judge (ALJ).

4. On June 13, 2019, Trial Staff of the Commission (Staff) timely filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1403(b), and Request for Hearing. The intervention is of right, and Staff is a party in this matter.

5. On June 19, 2019, by Decision No. 19-0533-I, a prehearing conference was scheduled for July 16, 2019.

6. On June 26, 2019, ChargePoint Inc. (ChargePoint) timely filed its Motion to Intervene and Entry of Appearance. ChargePoint is an electric vehicle charging network with existing customers and prospective customers in Colorado. ChargePoint argues that their interests will not be adequately represented by other parties to the proceeding.

7. On June 27, 2019, the City and County of Denver (Denver) timely filed its Motion to Intervene. Denver states it is a legally and regularly created, established, organized and existing home rule city and county, municipal corporation, and political subdivision. Denver contends it should be allowed to intervene due to the rate impacts the tariff will have on its EV fleet and on public charging rates.

8. On July 3, 2019, the Colorado Office of Consumer Counsel (OCC) filed its Notice of Intervention of Right, Entry of Appearance, and Request for Hearing. The OCC is an intervenor as of right and a party in this proceeding. The OCC listed a series of issues they wish to investigate.

9. On July 5, 2019, Tesla Inc. (Tesla) filed its Motion to Intervene. Tesla owns and operates charging stations in Colorado. Tesla states it has a substantial, pecuniary, tangible, and business interest in the proposed tariff.

10. On July 9, 2019, the City of Boulder (Boulder) timely filed its Petition for Leave to Intervene. Boulder states that it is a regularly created, established, organized and existing home rule city and municipal corporation. Boulder contends it should be granted an intervention and describes how the subject matter of this proceeding will directly affect the pecuniary or other tangible interests of Boulder's EV fleet.

11. On July 11, 2019, Natural Resources Defense Council (NRDC) and Southwest Energy Efficiency Project (SWEET) timely filed their Petition for Leave to Intervene. NRDC is a national non-profit organization dedicated to protection of the environment. SWEET is a non-profit public interest group that works to advance energy efficiency. NRDC and SWEET contend they should be granted an intervention due to a tangible interest in reducing reliance on petroleum, accelerating transportation electrification, and helping the state capture the economic and environmental benefits of electrification.

12. On July 11, 2019, the Colorado Energy Office (CEO) timely filed its Notice of Intervention as of Right. The CEO is an intervenor as of right and a party in this proceeding.

13. On July 11, 2019, Western Resource Advocates (WRA) filed its Motion for Leave to Intervene. WRA states that the above captioned proceeding may substantially affect its pecuniary or tangible interests. WRA states the interests that may be “touched” are human health, air quality, and the health and beauty of Colorado’s lands.

14. On July 11, 2019, the Regional Transportation District (RTD) filed its Entry of Appearance and Motion to Intervene. RTD states it has a substantial and direct interest in this proceeding due to operating a large fleet of electric buses.

15. On July 11, 2019, Electrify America LLC (Electrify America) filed its Motion to Intervene and appearance of Counsel. Electrify America is an operator of an EV charging network in Colorado. Electrify America states that its interests cannot be represented adequately by any other party.

16. On July 12, 2019, Electrify America filed its Request for Telephonic Participation. Electrify America states that its counsel is located outside of the State of Colorado and requests to appear by telephone for the prehearing conference scheduled on July 16, 2019. Electrify America states that Public Service does not object to the request.

17. On July 12, 2019, Public Service filed its Motion for Proposed Procedural Schedule and Request to Vacate Prehearing Conference (Motion). The Motion states that the parties who have intervened in the proceeding as of the date of the filing of the Motion have agreed to a procedural schedule. If the procedural schedule is acceptable to the undersigned ALJ, the parties also request that the prehearing conference scheduled for July 16, 2019, be vacated.

18. On July 15, 2019, Colorado Energy Consumers (CEC) filed its request for permissive intervention. CEC asserts that this proceeding will have a direct and substantial impact on its interests since some of its members may be participating in the proposed optional rate schedule offering, and thus have interest in how the rate is designed, its overall value relative to alternatives, and the related proposed terms of service.

19. On July 15, 2019, Vote Solar; Colorado Latino Forum (CLF); Elyria and Swansea Neighborhood Association Globeville (ESNA); Elyria-Swansea Coalition (GES Coalition); and Unite North Metro Denver (UNMD) (collectively the Environmental Justice Coalition) filed their Motion to Intervene.

20. Vote Solar states it is a non-profit organization working to repower the United States with clean energy by making solar power more accessible and affordable through effective policy advocacy.

21. The CLF is a non-profit organization dedicated to increasing the political, social, educational, and economic strength of Latinas and Latinos.

22. The ESNA is a Registered Neighborhood Organization recognized by Denver, with prescribed and registered boundaries. (North: County Line; South: 40th Avenue; East: Colorado Boulevard; and West: Platte River).

23. The Globeville, GES Coalition is a group of resident leaders, community organizers, and advocates that work to mitigate the impacts of rapid development and to protect community health and well-being in the Globeville, Elyria, and Swansea neighborhoods.

24. UNMD is a Neighborhood Association established to unite the northern part of Denver.

25. The Environmental Justice Coalition states that it has direct and tangible interest in this proceeding, but does not state how each member of the coalition has a direct and tangible interest in this proceeding. Nor does the intervention state the direct and tangible interest of the Environmental Justice Coalition. The intervention only states that it seeks to “spur the growth of EVs in Colorado.¹”

II. INTERVENTIONS

A. **Standard for Intervention**

26. Two classes of parties may intervene in proceedings such as this: parties with a legally protected right that may be impacted by the proceeding (intervention of right), and parties with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention). Rule 1401(b) and (c), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission’s Rules of Practice and Procedure; *see* § 40-6-109(1), C.R.S., *RAM Broadcasting of Colo. Inc., v. Public Utilities Comm’n*, 702 P.2d 746, 749 (Colo. 1985).

27. Commission Rule 1401(c) of the Rules of Practice and Procedure 4 CCR 723-1, requires persons seeking permissive to show the following:

A motion to permissively intervene shall state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. The motion must demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant’s interests would not otherwise be adequately represented. If a motion to permissively intervene is filed in a natural gas or electric proceeding by a residential consumer, agricultural consumer, or small business consumer, the motion must discuss whether the distinct interest of the consumer is either not adequately represented by the OCC or inconsistent with other classes of consumers represented by the OCC. The Commission will consider these factors in determining whether permissive intervention should be granted. Subjective,

¹ Vote Solar *et al.* Intervention at ¶ 9. The ALJ found this statement in the intervention to be the closest to an interest in the proceeding.

policy, or academic interest in a proceeding is not a sufficient basis to intervene. Motions to intervene by permission will not be decided prior to expiration of the notice period.

28. The requirement in Rule 1401(c) requiring persons or entities seeking permissive intervention in a proceeding to represent that their interests “would not otherwise be adequately represented” is similar to Colorado Rule of Civil Procedure 24(a), which provides that even if a party seeking intervention in a case has sufficient interest in the case, intervention is not permitted if the interest is adequately represented by the existing parties. *See Clubhouse at Fairway Pines, L.L.C. v. Fairway Pines Owners Ass’n*, 214 P.3d 451, 457 (Colo. App. 2008). This is true even if the party seeking intervention will be bound by the case’s judgment. *See Denver Chapter of the Colo. Motel Ass’n v. City & County of Denver*, 374 P.2d 494, 495-96 (Colo. 1962) (affirming the denial of an intervention by certain taxpayers because their interests were already represented by the city). The test for adequate representation is whether there is an identity of interests, rather than a disagreement over the discretionary litigation strategy of the representative. The presumption of adequate representation can be overcome by evidence of bad faith, collusion, or negligence on the part of the representative. *Id.*; *Estate of Scott v. Smith*, 577 P.2d 311, 313 (Colo. App. 1978).

29. Further, Rule 1401(c), 4 CCR 723-1, requires that a movant who is a “residential customer, agricultural customer, or small business customer” must discuss in the motion whether the distinct interest of the consumer is either not adequately represented by the OCC or inconsistent with other classes of consumers represented by the OCC. As set forth in §§ 40-6.5-104(1) and (2), C.R.S., the OCC has a statutory mandate to represent the interests of residential ratepayers. The Colorado Supreme Court expressly stated that “if there is a party charged by law with representing his interest, then a compelling showing should be required to

demonstrate why this representation is not adequate.” *Feigin v. Alexa Group, Ltd.*, 19 P.3d 23, 26 (Colo. 2001)

B. Interventions by Right

30. Staff, the OCC, and the CEO are intervenors by right. They are parties in this proceeding.

C. Permissive Interventions

31. The following parties have moved to permissively intervene in this proceeding: ChargePoint, Denver, Tesla, Boulder, NRDC, SWEEP, WRA, RTD, Electrify America, CEC, CLF, ESNA, GES Coalition, UNMD, and Vote Solar.

32. Public Service has not objected to the intervention of any party.

33. If all parties that have filed a motion to intervene are granted an intervention there will be 18 parties in this proceeding where the only issue is if a proposed tariff available only to large, non-residential customers for charging their own EVs or providing charging services to third parties for a fee is just and reasonable. The tariff does not affect any other service or customer class. For a proceeding with a limited scope, the intervention of 18 parties is surprising.

34. Parties interested in intervening in Commission proceedings are required to follow Commission Rule 1401(c) for a permissive intervention to be granted. The addition of parties who do not have a pecuniary or tangible interests that may be “*substantially*” affected will cause, due to their lack of an interest, the proceeding to veer off into areas that are not the subject of the proceeding or at best present cumulative evidence (emphasis added).

35. The addition of intervenors without a valid pecuniary or tangible interest also increases the time of the hearing, the amount of discovery requests, and other legal costs of the

utility. These legal costs are recoverable and end up being charged to ratepayers. It is not just or reasonable to allow intervenors in a proceeding when they have no valid pecuniary or tangible interest and their participation will result in high legal costs which are passed on to ratepayers.

36. There are numerous ways that parties who may have a concern in a proceeding can participate and make their concerns known to the Commission. A party can file for *Amicus Curiae* status and file a brief that expresses their opinions, beliefs, or hopes, without delaying the efficient functioning of the Commission or increase legal costs for the utility. A party may also file a public comment or have members of their group file public comments.

37. The Commission has generally been liberal in the granting of permissive interventions. The undersigned does not intend to create a new process or become less liberal in the granting of an intervention. The only requirement, as it should always be, is that a party granted a permissive intervention has a pecuniary or tangible interest that may be substantially affected by the proceeding as required by Commission Rule 1401(c). Each party that filed for permissive intervention will be examined to determine if they have met the requirements of Commission Rule 1401(c).

38. ChargePoint is an EV charging network. ChargePoint states that it has existing customers as well as prospective customers to whom the proposed S-EV tariff would be available. ChargePoint also states that the denial of the proposed tariff would directly impact the value of its products and services. The customers that ChargePoint has that will use or could use the proposed S-EV tariff and the effects of the approval of the tariff on its products and services provide it a pecuniary interest in this proceeding. ChargePoint is a party to this proceeding.

39. Denver is a legally and regularly created, established, organized and existing home rule city and county, municipal corporation and political subdivision. Denver states that it

has a fleet of EVs and they will be a customer of the proposed S-EV tariff. The pecuniary interest of Denver may be substantially affected and they are a party to this proceeding.

40. Tesla owns and operates charging stations in Colorado. Tesla states that it is a provider of Level 2 and direct current fast charging infrastructure and services for its customers in Colorado, who has existing stations as well as prospective stations in Public Service's territory. Tesla also states that the proposed tariff could have an impact on its ability to provide affordable charging access to its customers. Tesla has shown that the proposed tariff will affect a pecuniary interest. Tesla is a party to this proceeding.

41. Boulder is a regularly created, established, organized and existing home rule city and municipal corporation. Boulder states that it operates a fleet of EVs, an associated charging infrastructure, and 50 charging plugs that may be able to take service under the proposed tariff. Boulder has shown that the proposed tariff will affect a pecuniary interest. Boulder is a party to this proceeding

42. NRDC is a national non-profit organization dedicated to protection of the environment. NRDC states it represents "10,000 members and over 53,000 activists in Colorado, many of whom are customers of Public Service."²

43. SWEEP is a non-profit public interest group that works to advance energy efficiency. SWEEP does not state that it represents anyone other than the "society at large"³

44. NRDC and SWEEP do not present individual pecuniary or tangible interests that may be substantially affected. Rather than present an interest that shows why their individual

² Petition for Leave to Intervene of Natural Defense Council and Southwest Energy Efficiency Project, p. 1, ¶ 1.

³ *Id.* at ¶ 4.

group meets this standard, they make the following statement together, without presenting any differences between the two groups:

Due to the content of Public Service's Advice Letter, this proceeding will directly impact NRDC and SWEEP's substantial, tangible interests in reducing reliance on petroleum, accelerating transportation electrification, and helping the state capture the economic and environmental benefits of electrification⁴

45. The NRDC and SWEEP do not allege that they possess any pecuniary interest in the proceeding. Nor do either of these groups state why the OCC does not represent their interest.⁵ NRDC and SWEEP state three tangible interests. It must be first pointed out that tangible is defined as:

having or possessing physical form. Capable of being touched and seen; perceptible to the touch; tactile; palpable; capable of being possessed or realized; readily apprehensible by the mind; real substantial.

Black's Law Dictionary 1456, (6th ed. 1990).

46. The first tangible interest presented by SWEEP and NRDC is "reducing reliance on petroleum." This is not a tangible interest. This interest does not have or possess physical form. In addition, this proceeding is to determine if a tariff for large, non-residential customers for charging their own EVs or providing charging services to third parties for a fee are just and reasonable. While the undersigned ALJ is sure that many groups/people hope that the tariff may lead to "reducing reliance on petroleum," that is not what is at issue in this proceeding.

47. The second and third tangible interests claimed by NRDC and SWEEP are also not tangible. Neither of these "tangible interests" have or possess physical form and are not at issue when determining if a tariff is just and reasonable.

⁴ *Id.* p.4, ¶ 12.

⁵ NRDC makes a special point to state that it represents "many . . . customers of Public Service." The ALJ is of the opinion that while the role of the OCC is limited in this proceeding due to the tariff not being a residential rate, the OCC is a party as they are an intervenor by right. Any claim by NRDC that their representation of Public Service customers allows them to intervene fails without further discussion for the failure to state why the OCC does not provide adequate representation of their interest.

48. The interventions of NRDC and SWEEP are denied. Both parties are invited to file a motion to participate as an *Amicus Curiae*, or file a public comment, in accordance with the Commission's rules.

49. WRA is a non-profit conservation organization dedicated to protecting the land, air, and water of the West. WRA states it has members and financial supporters who live in Colorado and are customers of Public Service.⁶

50. WRA does not state that it has a pecuniary interest in the proceeding. WRA does not state how the needs of its members (customers of Public Service) are not met by the OCC.

51. WRA states its tangible interests as follows:

reducing the environmental impact of emissions from the transportation sector and promoting beneficial electrification ... The Commission's decision in this proceeding will also touch on WRA's tangible interest to protect human health, air quality, and the health and beauty of Colorado's lands and ecosystems.⁷

52. Neither of these stated "tangible interests" meets the definition of tangible. Neither of these interests has nor possesses physical form. In addition, the issue in this proceeding is whether the proposed tariff is just and reasonable. A determination that the tariff is just or reasonable does not "*substantially*" affect these interests (emphasis added).

53. WRA's Petition for Leave to Intervene is denied. WRA is invited to file a motion to participate as an *Amicus Curiae*, or file a public comment, in accordance with the Commission's rules.

54. The RTD is a political subdivision of the State of Colorado that develops, maintains, and operates a mass transportation system for the inhabitants of many Colorado

⁶ Petition for Leave to Intervene of Western Resource Advocates, p. 1, ¶¶ 1 and 2.

⁷ *Id.* p. 4, paragraph 7

counties. RTD states it maintains an electric bus fleet that the proposed tariff could change the cost to power. RTD states a pecuniary interest and is a party to this proceeding.

55. Electrify America is a wholly owned subsidiary of Volkswagen Group America. Electrify America is an operator of an electric charging network with existing and potential customers in Colorado who will be eligible for service under the proposed tariff. The approval or the rejection of the proposed tariff could effect the value of services provided by Electrify America. Electrify America has provided evidence of a pecuniary interest and is a party to this proceeding.

56. CEC is an unincorporated association of corporations duly authorized to transact business in Colorado. CEC states its members have a pecuniary and tangible interest as some of the members are eligible to participate in the proposed tariff and other members need to ensure that since this tariff only serves a small rate class that there is no cross-subsidization. The ALJ agrees that since members of CEC are eligible to be customers under the proposed tariff, a pecuniary interest has been stated and CEC is a party to the proceeding.⁸

57. The interventions of the CLF, ESNA, GES Coalition, UNMD, and Vote Solar shall be viewed together since it was filed as a joint intervention.

58. The CLF is a non-profit organization dedicated to increasing the political, social, educational, and economic strength of Latinas and Latinos.

59. The ESNA is a Neighborhood Organization.

⁸ The ALJ does not believe that the cross-subsidization concerns of other members is a pecuniary interest unless it is shown that the interests are not met by the OCC. The issue of cross-subsidization is the small area where I believe the OCC has an interest.

60. The GES Coalition is a group of resident leaders, community organizers, and advocates that works to mitigate the impacts of rapid development in the Globeville, Elyria, and Swansea neighborhoods.

61. UNMD is a Registered Neighborhood Organization established to unite the northern part of Denver.

62. Vote Solar is a non-profit organization working to repower the United States with clean energy by making solar power more accessible.

63. Although some of these groups reference being customers of Public Service, none state why the limited interest of residential ratepayers are not met by the OCC.

64. None of these organizations state any individual pecuniary or tangible interests that may be substantially affected. Rather than present an interest that shows why their individual group meets that standard, without presenting any differences between the groups, they make the following blanket statement that appears to apply to all of the groups equally:

The Environmental Justice Coalition has a direct and tangible interest in this proceeding. The Coalition's organizations and their members seek a prompt transition in Colorado from conventional internal combustion engine-powered motor vehicles to EVs. EV charging is a significant component of the overall cost of EV ownership, and a new Public Service S-EV rate that reduces the cost of EV charging for large non-residential customers should help spur the growth of EVs in Colorado. Moreover, many of the Environmental Justice Coalition members suffer disproportionate air quality impacts from diesel-powered buses operated by the Regional Transportation District and Denver Public Schools. The proposed S-EV rate should make electric bus deployment and operation more economical for these entities, which will result in substantial public health benefits if the reduced EV charging rate spurs these entities to operate more electric buses in the areas where the Environmental Justice Coalition members live and work. The Coalition supports Public Service's efforts to make EV charging more economical for transit agencies, vehicle fleets, and public EV charging stations. The Coalition plans to thoroughly review Public Service's proposed S-EV rate to ensure it maximizes the cost savings for EV charging.

Joint Motion to Intervene of Vote Solar; Colorado Latino Forum; Elyria & Swansea Neighborhood Association; Globeville, Elyria-Swansea Coalition and Unite North Metro Denver, p. 4, ¶ 9.

65. The statement by the Environmental Justice Coalition does not provide a pecuniary or tangible interest. The statement speaks of goals for the group but fails to even approach the task of defining a tangible interest that this proceeding could affect, let alone substantially affect. If the desire is to “thoroughly review” the proposed tariff when they possess no pecuniary or tangible interest, this goal can be met by means other than participating in a hearing.

66. The Joint Intervention of Vote Solar; CLF; ESNA; Globeville, GES Coalition, and UNMD is denied.

67. The parties in this proceeding are Public Service, Staff, the OCC, the CEO, ChargePoint, Denver, Tesla, Boulder, RTD, Electrify America, and CEC.

III. MOTION FOR PROPOSED PROCEDURAL SCHEDULE

68. In their Unopposed Motion, Public Service states the parties have agreed to the following procedural schedule:

Answer Testimony & Exhibits	August 27, 2019
Rebuttal/Cross Answer Testimony & Exhibits	September 11, 2019
Deadline for Corrected Testimony	September 16, 2019
Pre-hearing Motions	September 18, 2019
Witness Order & Estimated Cross Time	September 19, 2019
Deadline for Responses to Pre-hearing Motions	September 20, 2019
Stipulations & Settlement Agreements	September 20, 2019
Evidentiary Hearing	September 23-24, 2019
Statements of Position	October 1, 2019

69. The parties also agree to the following discovery procedures:

- a) the discovery timelines in Rule 1405(b) and Rule 1405(d) shall control, provided that for purposes of calculating due dates, any discovery served on a party after 3:00 p.m. on a Friday shall be deemed to be submitted the following Monday;
- b) holidays will be excluded for the purpose of calculating due dates;
- c) Public Service and Intervenors agree to provide all responses to an individual set of discovery in a single, combined document following the completion of all responses in the set, with the exception of any supplemental or corrected responses that may be subsequently filed;
- d) All discovery requests and responses will be served upon each party to the proceeding

70. The proposed procedural schedule and discovery procedures are acceptable and good cause is found for their adoption.

71. The prehearing conference scheduled for July 16, 2018 shall be vacated.

IV. REQUEST FOR TELEPHONIC PARTICIPATION

72. With the granting of the Motion for Proposed Procedural Schedule and Request to Vacate Prehearing Conference, the Request for Telephonic Participation is deemed moot.

V. FURTHER SUSPENSION OF EFFECTIVE DATE OF TARIFF SHEETS

73. The Commission has suspended the effective date of the tariffs that accompanied Advice Letter No. 1798 until October 22, 2019. By further order, the Commission may suspend for additional time, the effective date of the tariff sheets that accompanied the Advice Letter.

74. By this Decision and pursuant to § 40-6-111(1), C.R.S., and Rules 4 CCR 723-1-1305(c) and 723-1-1305(e), the ALJ will suspend for an additional 130 days (that is until, **February 29, 2020**), the effective date of the tariff sheets that accompanied the Advice Letter. If the Commission does not establish new rates by that date, the tariff sheets filed with the Advice Letter may become effective.

VI. ORDER**A. It Is Ordered That:**

1. The prehearing conference scheduled for July 16, 2019 is vacated.
2. The Motion to Intervene filed by ChargePoint Inc. on June 26, 2019 is granted and they are a party to the above captioned proceeding.
3. The Motion to Intervene filed by the City and County of Denver on June 27, 2019 is granted and they are a party to the above captioned proceeding.
4. The Motion to Intervene filed by Tesla Inc. on July 5, 2019 is granted and they are a party to the above captioned proceeding.
5. The Petition for Leave to Intervene filed by the City of Boulder on July 9, 2019 is granted and they are a party to the above captioned proceeding.
6. The Petition for Leave to Intervene filed by Natural Resources Defense Council and Southwest Energy Efficiency Project on July 11, 2019 is denied.
7. The Motion for Leave to Intervene filed by Western Resource Advocates on July 11, 2019 is denied.
8. The Motion to Intervene filed by the Regional Transportation District on July 11, 2019 is granted and they are a party to the above captioned proceeding.
9. The Motion to Intervene filed by Electrify America LLC on July 12, 2019 is granted and they are a party to the above captioned proceeding.
10. The Motion to Intervene filed by Colorado Energy Consumers on July 15, 2019 is granted and they are a party to the above captioned proceeding.

11. The Motion to Intervene filed by, Vote Solar; Colorado Latino Forum; Elyria and Swansea Neighborhood Association Globeville; Elyria-Swansea Coalition; and Unite North Metro Denver on July 15, 2019 is denied.

12. The procedural schedule as stated above in paragraph 68, is adopted.

13. The Request for Telephone Participation is deemed moot.

14. The effective date of the proposed tariff sheets shall be suspended an additional 130 days pursuant to § 40-6-111(1), C.R.S., and Rules 4 *Code of Colorado Regulations* 723-1-1305(c) and 723-1-1305(e).

15. 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

Doug Dean,
Director