

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
ESTABLISHING PROCEDURES**

Mailed Date: July 25, 2019

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I. BY THE COMMISSION**A. Statement**

1. On May 24, 2019, Public Service Company of Colorado (Public Service or Applicant) 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 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.

4. The procedural history of the above captioned proceeding is recited in Decisions previously issued in this Proceeding and is repeated here as necessary to put this Decision into context.

5. On July 23, 2019, Decision No. R19-0625-I, among other things, approved a procedural schedule and set the evidentiary hearing for September 23 and 24, 2019.

B. Presentation of Exhibits Electronically During Evidentiary Hearing

6. The presentation of evidence at the hearing shall be done through electronic exhibits to the fullest extent possible, with the exception of exhibits used for impeachment or rebuttal, or any other exhibits admitted in paper form during hearing. If a pre-filed hearing exhibit marked for identification is admitted into evidence, it is anticipated that the electronic copy in the Commission's file will be admitted by administrative notice, in lieu of receiving the identical paper copy (*e.g.*, the fact administratively noticed is that the copy on file is the content of the otherwise-admissible hearing exhibit).

7. To facilitate the presentation of electronic exhibits, all pre-marked and electronically filed exhibits will be available during the evidentiary hearing through a hyperlinked spreadsheet identifying filings in the Commission's E-Filings System. The spreadsheet will be made available to the parties prior to hearing and marked as a hearing exhibit. Commission Staff will display pre-filed electronic filings during hearing.¹

8. Final versions of all hearing exhibits must be filed in accordance with the filing deadlines in the procedural schedule and not less than three business days prior to hearing so that the spreadsheet may be timely prepared and distributed.²

9. Unless otherwise ordered, a sponsoring party shall bring one paper copy of each pre-filed hearing exhibit to the hearing for use by the witnesses during examination. Any paper

¹ Exhibits will be displayed on large monitors in the hearing room. Should the parties have technical questions relating to the electronic presentation of exhibits, they may contact Ms. Christie Nicks at (303) 894-2010.

² The phrase "not less than three business days prior to hearing" means by 5:00 p.m. on the fourth full business day before the first day of hearing (*e.g.*, if the first day of the hearing falls on a Monday, then final versions of all hearing exhibits shall be filed by 5:00 p.m. on the preceding Tuesday). Any exhibit filed after this deadline will not be included in the spreadsheet of electronic exhibits and will not be admitted in electronic form by administrative notice pursuant to this rule. Rather, any such exhibit must be marked for identification during hearing and offered in paper form. The party offering the document for admission is responsible for ensuring that a sufficient number of paper copies is available. No confidential or highly confidential information will be included with the distribution of the spreadsheet.

copy provided at hearing shall reflect the same marking for identification appearing in the Commission's filed copy. The sponsoring party shall ensure that, when offered as an exhibit at hearing, the paper copy of the hearing exhibit is identical to the pre-filed electronic version.

C. Assignment of Hearing Exhibit Number Blocks

10. In order to efficiently organize the numbering and preparation of exhibits for hearing, all parties shall use a unified numbering system for all hearing exhibits. Parties should not duplicate hearing exhibits or attachments previously filed by another party because any hearing exhibit filed may be used by any party.

11. The party initiating the proceeding is assigned hearing exhibit numbers, from 100 to 299.

12. Applicant is assigned hearing exhibit numbers from 100 to 299. Each person requesting intervention is assigned a block of 100 hearing exhibit numbers. Persons requesting intervention receive blocks starting with 200, in the order that requests or notices of intervention were filed, as reflected in the Commission's E-Filing System. The hearing numbers shall be distributed as follows:

100-299	Public Service
300-399	Trial Staff of the Commission
400-499	Office of Consumer Counsel
500-599	Colorado Energy Office
600-699	ChargePoint Inc.
700-799	City and County of Denver
800-899	Tesla Inc.
900-999	City of Boulder
1,000-1,099	Regional Transportation District
1,100-1,199	Electrify America LLC
1,200-1,299	Colorado Energy Consumers

13. The next unassigned block at the time of hearing will be used for all exhibits first presented at hearing.

D. Identification and Filing Requirements for Hearing Exhibits

14. In addition to other requirements of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony), all pre-filed hearing exhibits shall be marked for identification in accordance with this Interim Decision.

15. Each type of a witness's testimony, including any attachments, (e.g., direct, answer, rebuttal, and cross-answer) shall be marked as one hearing exhibit number. Even if comprised of multiple electronic documents, the testimony and attachments will be one hearing exhibit. The title of each pre-filed hearing exhibit shall match the title entered in the Commission's E-Filings System and start with "Hearing Exhibit XXX." Hearing exhibits shall be marked numerically and sequentially for identification by the filing parties within their respective blocks. At the hearing, any party may sponsor an exhibit that was pre-filed by another party.

16. The title of all pre-filed written testimony (i.e., primary document) should include the type of testimony and the name of the witness. For example, if Hearing Exhibit 100 is the direct testimony of witness John J. Doe, the following title should be used: "Hearing Exhibit 100, Direct Testimony of John J. Doe."

17. Anything accompanying pre-filed written testimony within a hearing exhibit (e.g., traditionally exhibits, appendices, attachments, or attachments to filing) shall be referred to as an "attachment" to the testimony in the hearing exhibit and identified by the hearing exhibit number reference, the witness's initials, and a number sequence. Again, attachments will be part of the

hearing exhibit identifying each type of testimony. As an example, if the party assigned block 300 files answer testimony of Albert B. Cooke, that includes a table as Attachment ABC-1, then the title of the table will be “Hearing Exhibit 300, Attachment ABC-1.” The attachment should not be referred to as Exhibit ABC-1 or Appendix A.

18. Any party wishing to admit any document used for impeachment or rebuttal, may do so by presenting a paper copy of the document at the time of the hearing.³ In such a circumstance, the party offering the document into evidence is responsible for ensuring that there are an appropriate number of paper copies available at the time of the hearing. In addition to an original, copies for the other parties, and a copy for the witness, the parties should bring a copy for the advisor(s) and the presiding officer, or Commissioners if the matter is heard *en banc*.

E. Formatting of Hearing Exhibits

19. There shall be only one page number shown on each page of all testimony. The first page of **all** page-numbered hearing exhibits shall be page 1, with each additional page numbered in succession (to best match page number references with electronic file page references). For example, the cover page shall be page 1, and all following pages shall be numbered sequentially, including executive summaries, tables of contents, and lists of attachments.

20. Page numbers should be included in the header of each page-numbered hearing exhibit. The top line of the header shall include the title of the document (*e.g.*, Hearing Exhibit 400, Answer Testimony of Albert B. Cooke or Hearing Exhibit 400, Attachment ABC-1).

³ To be clear, the parties are not required to pre-file documents to be used solely for impeachment or rebuttal.

21. A person may modify formatting options in revisions to filed documents in order to minimize the resulting impact to page and line references (*e.g.*, widen a paragraph margin to insert a word).

22. Titles entered into the Commission's E-Filings System should be in title format (*i.e.*, not all capitals).

F. Modifying, Amending, Supplementing, or Correcting a Previously Filed Hearing Exhibit Before Deadline for Corrections

23. Should a party need to modify, amend, supplement, or correct a previously identified hearing exhibit on or before the deadline for filing corrections as set forth in the procedural schedule and more than three business days prior to hearing, a complete revision including all changes in redline/strikeout format shall be filed.⁴ No modification, amendment, supplement, or correction shall be made to a filed hearing exhibit without indicating a new revision number. The same title shall be used for the title as the original, except that a revision number reference should be added to give notice of the change.

24. Illustratively, if Hearing Exhibit 100, Direct Testimony of John J. Doe changed, it would be filed as Hearing Exhibit 100, Direct Testimony of John J. Doe, Rev. 1 containing redlined modifications to the original version.⁵ If an additional revision is later filed, it would be filed as Hearing Exhibit 100, Direct Testimony of John J. Doe, Rev. 2 and would contain all redlined modifications as compared to the original version (*i.e.*, not only as compared to Rev. 1). For Rev. 2 and all subsequent revisions, the filing shall also include a notice identifying changes in each revision from the most recent previous revision. Further, the title of any revision should not contain the word "corrected" even if the revision corrects the prior filing.

⁴ Filing a "clean" version is not necessary and is discouraged.

⁵ "Rev." stands for revision.

25. The most recent revision of a hearing exhibit shall be the version utilized during the evidentiary hearing. References in testimony to obsolete versions of other testimonies will be construed to be amended to refer to the latest filed version of such testimony, unless otherwise specified. Although corresponding page and line references may reasonably be affected by such construction, corrected references will not be necessary (*e.g.*, no need to amend) so long as the reference remains in reasonable proximity to the referenced material. Thus, a reference in answer testimony to page 10, line 5 of someone else's direct testimony need not be revised when a revision is filed to such direct testimony so long as page 10, line 5 is in reasonable proximity to the referenced material.

G. Modifying, Amending, Supplementing, or Correcting a Previously Filed Hearing Exhibit After Deadline for Corrections

26. Should a party need to modify, amend, supplement, or correct a previously identified hearing exhibit after the deadline for corrections or **less than three business days** prior to hearing or during hearing, all changes should be reflected on replacement pages only in redline/strikeout format that will be presented in paper form during hearing.⁶ The replacement pages shall collectively be marked for identification at the time of hearing as a separate hearing exhibit. The replacement pages shall also include an additional notice attachment (*i.e.*, as a secondary document if electronically filed) identifying changes in each revision from the most recent previous revision.

27. If the changes are permitted, and assuming the original filing otherwise admissible, both hearing exhibits would be admitted into evidence during hearing with the latter

⁶ Filing a "clean" version is not necessary and is discouraged.

replacement pages superseding and prevailing to the extent of conflict in the next previous revision.

28. References to superseded portions of a hearing exhibit will be construed to be amended to refer to the replacement pages, unless otherwise specified. Although corresponding page and line references may reasonably be affected by such construction, corrected references will not be necessary (*e.g.*, no need to amend) so long as the reference remains in reasonable proximity to the referenced material. Thus, a reference in answer testimony to page 10, line 5 of someone else's direct testimony need not be revised when a replacement page 10 is filed so long as page 10, line 5 is in reasonable proximity to the referenced material.

H. Procedures Regarding Confidentiality

29. Any pre-filed hearing exhibit (including attachments) filed in accordance with the Standards of Conduct in the Commission's Rules of Practice and Procedure containing confidential information shall be pre-marked for identification by the same hearing exhibit number within the assigned block identifying the portion in the public record and shall be designated with a "C" following the number of the hearing exhibit or attachment.

30. For example, a witness's pre-filed written testimony might be identified as Hearing Exhibit 100, Direct Testimony of John J. Doe. If portions of the testimony in Hearing Exhibit 100, Direct Testimony of John J. Doe are claimed to be confidential, those portions would be filed in accordance with the Standards of Conduct and identified as Hearing Exhibit 100C, Direct Testimony of John J. Doe. Hearing Exhibit 100, Direct Testimony of John J. Doe would remain in the public record (redacted to exclude confidential material).

31. Further, if portions of Hearing Exhibit 100, Direct Testimony of John J. Doe, Attachment JJD-1 are claimed to be confidential, those portions would be filed in accordance

with the Standards of Conduct and identified as Hearing Exhibit 100, Attachment JJD-1C. Hearing Exhibit 100, Attachment JJD-1 would remain in the public record (redacted to exclude confidential material). Comparably, should any highly confidential protections be afforded, the hearing exhibit number would be designated with an “HC” following the number.

32. A deadline will be established, as ordered below, for any objections to the admissibility of any pre-filed hearing exhibits marked for identification (*e.g.*, authenticity).

II. ORDER

A. It Is Ordered That:

1. In addition to other requirements of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (*e.g.*, Rule 1202 regarding pre-filed testimony), all pre-filed hearing exhibits shall be marked for identification in accordance with this Decision.

2. Each party shall file with the Commission, an electronic copy of its testimony and exhibits on a CD, DVD, or portable drive in both the underlying executable electronic format and Adobe PDF format. Any stipulations or settlement agreements, along with any associated testimony or exhibits, shall also be filed electronically. Testimony and exhibits may be submitted through the Commission’s E-Filings System in the underlying executable electronic format in lieu of this requirement.⁷

⁷ For purposes of this Decision, executable electronic filings shall be made in the document’s underlying file format (Excel, Word, or WordPerfect, for example). All spreadsheets should have the various cell formula or links left intact; *i.e.*, cell formulas should not be converted to values. To the extent exhibits cannot be provided in an executable electronic format, a listing of such exhibits should be provided identifying those that cannot be so provided. In order to minimize the size and allow electronic text searches of the PDF files, all PDF files should be generated from the electronic base format where possible, but can be generated as a scanned image if the base document is not available electronically.

3. To comply with this Decision, Public Service Company of Colorado shall file pre-marked hearing exhibits that it intends to offer into evidence (*e.g.*, those previously filed) for identification in accordance with ordered procedures and the discussion above within 14 days of the date of this Decision. For purposes of this Decision, any such filings shall be treated as the original filing of hearing exhibits.

4. All corrections to any pre-filed hearing exhibits marked for identification shall be filed on or before the deadline for “Corrected Testimony” established in Decision No. R19-0625-I.

5. Any objections to the admissibility of the form of any pre-filed hearing exhibits marked for identification (*e.g.*, authenticity) shall be filed by the deadline for “Pre-hearing Motions” established in Decision No. R19-0625-I. Any response shall be filed by the deadline for “Responses to Prehearing Motions” established in Decision No. R19-0625-I.

6. At the hearing, all parties shall bring one paper copy of the pre-marked hearing exhibits they intend to offer for use by the witnesses during examination.

7. This Decision shall be 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