

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0471E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR DEFERRED ACCOUNTING TREATMENT FOR ELECTRIC VEHICLE
MAKE-READY INFRASTRUCTURE PROJECTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
EXTENDING STATUTORY DEADLINE AND
SCHEDULING PREHEARING CONFERENCE**

Mailed Date: October 18, 2019

I. STATEMENT

1. On August 29, 2019, Public Service Company of Colorado (PSCo) filed an Application seeking Commission approval for deferred accounting for up to \$9 million in capital costs and incremental operations and maintenance expenditures that will be incurred in make-ready projects to develop electric vehicle charging infrastructure (Application). PSCo states that these costs are not included in its current base rates and will not be included in the base rates that will be approved in its current Phase I rate case (Proceeding No. 19AL-0268E) because that proceeding, initiated on May 20, 2019, uses a 2018 Test Year. PSCo therefore requests deferred accounting through a regulatory asset that would be evaluated for inclusion in its base rates in its next Phase I rate case.

2. PSCo is required by § 40-5-107, C.R.S., to file a Transportation Electrification Plan (TEP) on or before May 15, 2020. PSCo states that it will not be able to file its TEP “until

the spring of 2020.”¹ According to PSCo, its “customers’ transportation electrification initiatives have such significant momentum of community and policymaker support that they call for more prompt action.”² In the Application, PSCo seeks to accommodate its customers while preserving its ability to seek recovery of the costs of doing so through base rates.

3. Of the \$9 million PSCo requests for deferred accounting in this proceeding, \$3.6 million is designated for known projects that PSCo is currently discussing with customers. PSCo requests that the Commission approve an extra \$5.4 million for currently undefined projects that PSCo nevertheless believes will take shape based on “the known interest of customers and communities in its service territory and anticipation that they will not be willing to wait until the TEP is fully processed to commence their projects.”³ Presumably, these currently undefined projects will take shape significantly before PSCo’s TEP application is approved by the Commission.

4. The Commission issued a Notice of the Application on August 30, 2019.

5. Trial Staff of the Colorado Public Utilities Commission (Staff), the Office of Consumer Counsel (OCC), and the Colorado Energy Office (CEO) each timely filed a notice of intervention by right.

6. ChargePoint, Inc. (ChargePoint), Colorado Energy Consumers (CEC), and Western Resource Advocates (WRA) each timely filed a motion to permissively intervene.

¹ Application at 3.

² *Id.*

³ *Id.* at 9.

7. On October 9, 2019, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

A. Prehearing Conference

8. It is appropriate to hold a prehearing conference in this proceeding. Accordingly, a prehearing conference shall be scheduled for October 30, 2019 at 1:30 p.m.

9. PSCo, Staff, OCC, CEO, ChargePoint, CEC, and WRA are required to attend the prehearing conference and are strongly urged to confer in advance of the prehearing conference to discuss a schedule for this proceeding and to identify the issues that are disputed. ChargePoint, CEC, and WRA should be prepared to address at the conference their motions to permissively intervene in this proceeding. Failure to attend or to participate in the prehearing conference will constitute a waiver of any objection to decisions made during, or in the interim decision issued after, the prehearing conference.

B. Extension of Deadline

10. As stated in the Notice, because PSCo filed testimony with the Application, the Commission is required by § 40-6-109.5(1), C.R.S., to issue its decision within 120 days of the Application being deemed complete by the Commission. Thus, the Commission's decision in this proceeding must issue by December 28, 2019. However, § 40-6-109.5(1), C.R.S., also provides that the Commission may, in its discretion and by a separate decision, extend the time for a decision by an additional 130 days.

11. Here, considering the time available, the time necessary to address other pending matters, and the need for the Commission to have adequate time to deliberate the issues presented in this matter, it is not feasible for a final Commission decision to issue by

December 28, 2019. Accordingly, pursuant to § 40-6-109.5(1), C.R.S., it is necessary to extend the deadline for an additional 130 days to June 25, 2020.

II. ORDER

A. It Is Ordered That:

1. A prehearing conference in this proceeding is scheduled as follows:

DATE: October 30, 2019

TIME: 1:30 p.m.

PLACE: Commission Hearing Room A
1560 Broadway, 2nd Floor
Denver, Colorado

2. For the reasons stated above, the deadline for a Commission decision on the Application filed in this proceeding is extended to June 25, 2020.

3. 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

CONOR F. FARLEY

Administrative Law Judge