

Decision No. R19-0873-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19F-0315E

ANNE PACE, ET AL.,

COMPLAINANTS,

V.

SAN LUIS VALLEY RURAL ELECTRIC COOPERATIVE, INC.,

RESPONDENT.

PROCEEDING NO. 19F-0351E

TOWN OF CRESTONE,

COMPLAINANT,

V.

SAN LUIS VALLEY RURAL ELECTRIC COOPERATIVE, INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
REQUIRING PARTIES TO FILE UPDATED
STATUS REPORT OR NOTICE OF SETTLEMENT
AND REQUEST TO DISMISS COMPLAINTS**

Mailed Date: October 25, 2019

I. STATEMENT**A. Summary.**

1. For the reasons explained below, this Decision requires parties to file an updated status report, or notice indicating that they have reached a settlement (if that is the case), and motion to dismiss or withdraw the complaints on or by November 1, 2019.

II. BACKGROUND, FINDINGS, AND CONCLUSIONS**A. Background and Arguments.**

2. The parties filed a Joint Status Report (Status Report) on October 25, 2019 indicating that the parties have participated in mediation, and agreed to “high-level terms” that would govern a potential settlement agreement. Status Report at ¶¶ 2-3. The Status Report states that counsel are working diligently to draft a written term sheet to reflect their agreements, and that once each party has agreed to the “term sheet,” counsel will work diligently to draft a written settlement agreement. *Id.* at ¶ 3. The parties also state that if the settlement agreement is executed by all of the parties, the Complainants will withdraw their respective complaints. *Id.* at ¶ 4. The parties ask that the November 19 to 22, 2019 hearing dates remain in place until they file a notice indicating that a settlement agreement has been fully executed. *Id.* at ¶ 5.

3. The Administrative Law Judge (ALJ) will leave the hearing dates in place for now. In addition, the ALJ is willing to allow the parties the time needed to resolve their disputes without a hearing, consistent with Rule 1408 of the Rules of Practice and Procedure. 4 *Code of Colorado Regulations* 723-1. As a practical matter, the ALJ can only leave the hearing dates as scheduled up to a certain point as it is not practicable under the circumstances to vacate the hearing at the last minute. That is because multiple Commission staff members (including the ALJ) must travel to Moffat, Colorado to hold the hearing, and the hearing is scheduled to take

place in a privately-owned conference room (at Colorado College). Travel arrangements and reservations for the conference room necessitate that a decision on whether the hearing will go forward on November 19 to 22, 2019 be made at least two weeks prior to the first day of hearing.

4. Consequently, on or by close of business on November 1, 2019, the parties will be required to file: (a) an updated joint status report indicating whether the parties require additional time to settle their disputes, or whether settlement discussions have failed; or (b) a notice indicating that they have reached a settlement (if that is the case) along with a motion to dismiss or withdraw the Complaints.

5. *The parties are on notice* that if they file an updated joint status report indicating that they require additional time to settle their disputes, the ALJ will vacate the November 19 to 22, 2019 hearing dates. In such a circumstance, if the parties' updated joint status report indicates the parties require additional time to settle their disputes, the report must provide multiple available hearing dates for the parties.

6. If the parties' updated joint status report indicates that settlement discussions have failed, the hearing will proceed as scheduled on November 19 to 22, 2019; in such a circumstance, the ALJ will not issue an order confirming the hearing date (and the parties are expected to appear and be ready to proceed on the scheduled hearing dates).

7. If the parties file a notice indicating that they have settled their disputes, along with a motion to dismiss or withdraw the Complaints, the November 19 to 22, 2019 hearing will be vacated.

8. Nothing in this Decision is intended to control or direct the parties on the terms of a settlement agreement.

III. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, on or by close of business on November 1, 2019, the parties must file: (a) an updated joint status report indicating whether the parties require additional time to settle their disputes, or whether settlement discussions have failed; or (b) a notice indicating that they have reached a settlement (if that is the case) along with a motion to dismiss or withdraw the Complaints.

2. If the parties file an updated joint status report indicating they require additional time to settle their disputes, the report must provide multiple available hearing dates for the parties.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director