

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0534E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
COLORADO FOR APPROVAL OF THE SALE OF STREET LIGHTING FACILITIES TO
THE CITY OF GREENWOOD VILLAGE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MRIBABA
SCHEDULING PREHEARING CONFERENCE**

Mailed Date: November 18, 2019

I. STATEMENT

A. Summary.

1. This Decision schedules the above-captioned matter for a prehearing conference; vacates the deadline to file testimony in the Commission's public notice of the Application; finds that additional time is required for a final agency decision to issue; and extends the deadline for a final Commission decision by 130 days.

B. Background and Findings.

2. Public Service Company of Colorado (Public Service or the Company) initiated this matter on October 2, 2019 by filing its Verified Application seeking the Commission to approve the Company's sale of street lighting facilities to the City of Greenwood Village (Application). Public Service filed testimony and exhibits with its Application.

3. On October 2, 2019, the Commission gave public notice of the Application; the same notice requires intervening parties to file testimony within 90 days of October 2, 2019. *See* Notice of Application Filed.

4. The Colorado Public Utilities Commission Trial Staff and the Office of Consumer Counsel timely intervened of right. Both request a hearing on the Application.

5. During the Commission's weekly meeting held November 6, 2019, the Commission deemed the Application complete, and referred the matter to an Administrative Law Judge (ALJ) for disposition.

6. In anticipation of an evidentiary hearing on the Application, the ALJ is setting a prehearing conference in accordance with Rule 1409(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. At the prehearing conference, a procedural schedule¹ and hearing date will be established.² In furtherance of that objective, the parties will be required to confer with each other to identify a consensus procedural schedule and hearing date.

7. Because a new procedural schedule will be established, the ALJ will vacate the deadline to file answer testimony established in the Commission's October 2, 2019 public Notice of Application.

8. Since Public Service filed testimony and exhibits with its Application, the Commission's final decision must be issued within 120 days of the date the Commission deemed the Application complete (November 6, 2019). *See* § 40-6-109.5(1), C.R.S. (2019). Having reviewed the record in this proceeding and being fully advised, the ALJ finds that additional time is necessary for a final Commission decision to issue; as a result, the ALJ will extend the deadline for a final decision to issue by 130 days as permitted by § 40-6-109.5(1), C.R.S.

¹ This includes establishing deadlines to file answer and rebuttal testimony; settlement agreements; statements of position; exhibit and witness lists; exhibits; and pre-hearing motions.

² During the prehearing conference, the ALJ may also address other matters, including issues that the parties raise (such as discovery issues), and any pending motions.

II. ORDER

A. It Is Ordered That:

1. Consistent with the above discussion, the deadline for a final Commission decision to issue is extended by 130 days, to July 13, 2020, consistent with § 40-6-109.5(1), C.R.S. (2019).

2. The deadline for intervening parties to file testimony in the Commission's Notice of Application Filed is vacated.

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

DATE: December 3, 2019

TIME: 1:00 p.m.

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

4. Before the prehearing conference, the parties must confer about a proposed consensus procedural schedule meeting the following minimum criteria:

- The hearing must be complete at least 94 days prior to the statutory deadline for a final Commission decision to issue, unless Public Service waives the deadline per § 40-6-109.5(3), C.R.S.
- Rebuttal testimony must be filed and exchanged at least three weeks prior to the first day of hearing.
- Settlement Agreements must be filed at least two weeks prior to the first day of hearing.
- The parties must exchange and file final witness lists, exhibits, and exhibit lists at least one week prior to the first day of hearing.

5. The parties will present their proposed consensus procedural schedule at the prehearing conference.

6. 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