

Decision No. R20-0120-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 19F-0690G

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COLORADO JEWISH RECONSTRUCTIONISTS FEDERATION,

COMPLAINANT,

V.

PUBLIC SERVICE COMPANY OF COLORADO,

RESPONDENT.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
VACATING DEADLINES AND  
HEARING AND REQUIRING FILING**

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Mailed Date: February 20, 2020

**I. STATEMENT, FINDINGS, AND CONCLUSIONS**

1. Only the relevant procedural history is included.
2. On January 14, 2020, the undersigned Administrative Law Judge (ALJ) established a procedural schedule with deadlines to file dispositive motions and responses, pre-hearing motions, stipulations, settlement agreements, exhibits, witness and exhibit lists, and statements of position. Decision No. R20-0031-I. At the same time, the ALJ also scheduled an evidentiary hearing on the merits of the Complaint for May 4, 2020. *Id.*
3. Based on Public Service Company of Colorado's (the Company) Unopposed Motion for Extension of Dispositive Motions Deadlines and Waiver of Response Time, the ALJ extended the deadline to file and serve dispositive motions and responses to such motions to

February 21, 2020, and March 6, 2020, respectively. Decision No. R20-0107-I, issued February 18, 2020. In addition to those deadlines, the current procedural schedule requires the parties to file and serve pre-hearing motions, stipulations, settlement agreements, exhibits, and witness and exhibit lists by April 24, 2020, and statements of position by May 11, 2020. Decision No. R20-0031-I. The current schedule provides enough time for the ALJ to consider and decide dispositive motions well in advance of the May 4, 2020 hearing, which may conserve the parties' resources.

4. On February 19, 2020, Colorado Jewish Reconstructionists Federation, doing business as B'nai Havurah (Complainant), filed an "Unopposed Motion for a 30-Day Stay of the Procedural Schedule" (Motion). The Motion asks that the procedural schedule be stayed for 30 days to allow Complainant time to pressure test and fully evaluate its on-site gas system, and determine whether it needs to amend its Complaint before filing a dispositive motion. Motion at ¶¶ 6-7. Complainant also suggests that its evaluation may result in withdrawing its Complaint. *Id.* at ¶ 7. The Motion argues that granting a stay will conserve the parties' and the Commission's resources. *Id.* The Motion indicates that the Company does not oppose the Motion, and that the parties understand that they will need to "revisit the procedural schedule." *Id.* at ¶ 2.

5. Staying the procedural deadlines for 30 days will essentially excuse the parties from complying with deadlines that fall within that 30-day timeframe, that is, deadlines to file and respond to dispositive motions. Because a 30-day stay would automatically lift upon its expiration, any deadlines after the 30-day timeframe would remain in place. This makes little sense given that those deadlines and the hearing would need to be modified to accommodate a new dispositive motions' deadline. Indeed, the dispositive motions deadline must be far enough in advance of other prehearing deadlines to allow the ALJ to address such motions before

prehearing deadlines and the hearing, in order to optimize potential resource conservation. Given all of this, the ALJ concludes that a more appropriate remedy is to vacate the procedural schedule and hearing date, and require the parties to make an appropriate filing in 30 days. This is particularly so because Complainant suggests that it may seek to amend the Complaint in this proceeding, which will also have a cascading effect on the procedural schedule and hearing date.

6. As such, the ALJ will vacate the procedural schedule and hearing date, and require the parties to make an appropriate filing.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The procedural schedule established by Decision Nos. R20-0031-I and R20-0107-I is vacated. The May 4, 2020 hearing is also vacated.

2. By close of business on March 23, 2020, the parties must make a filing indicating the current status, including whether the parties are prepared to schedule a new hearing date. If the parties are prepared to schedule a new hearing date, the filing must also propose a procedural schedule with several potential hearing dates. If not, the filing must include a proposed plan to continue the forward movement of this proceeding.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director