

Decision No. R20-0157-I

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

PROCEEDING NO. 19F-0620E

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LA PLATA ELECTRIC ASSOCIATION, INC.,

COMPLAINANT,

V.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.,

RESPONDENT.

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PROCEEDING NO. 19F-0621E

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UNITED POWER, INC.,

COMPLAINANT,

V.

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.,

RESPONDENT.

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**INTERIM DECISION OF  
HEARING COMMISSIONER  
FRANCES A. KONCILJA  
APPROVING STIPULATION REGARDING  
PROCEDURAL SCHEDULE AND  
GRANTING MOTION FOR *PRO HAC VICE*  
ADMISSION OF DAVID P. SWANSON**

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Mailed Date: March 10, 2020

**I. ORDER APPROVING STIPULATION**

1. On March 6, 2020, La Plata Electric Association, Inc., United Power Inc., and Tri-State Generation and Transmission Association, Inc. (Tri-State) (collectively referred to as Parties) filed a Stipulation Regarding Procedural Schedule (Stipulation) which seeks to supplement the current procedural schedule in order to allow the Parties an opportunity to conduct discovery and provide additional testimony in order to answer certain questions raised by the Hearing Commissioner in Interim Decision No. R20-0097-I issued February 12, 2020.

2. The Hearing Commissioner finds the Parties have established good cause to amend the current procedural schedule. The Stipulation is, therefore, approved and made an order of the Commission.

**II. MOTION FOR *PRO HAC VICE* ADMISSION OF DAVID P. SWANSON**

3. An attorney who is not licensed to practice law in Colorado must be granted permission to appear *pro hac vice* before the Commission in these consolidated proceedings. Rule 4 *Code of Colorado Regulations* 723-1-1201(a) of the Commission's Rules of Practice and Procedure governs the admission of out-of-state attorneys. This rule requires compliance with Colorado Rule of Civil Procedure (Colo.R.Civ.P) 205.4, which itself expressly incorporates Colo.R.Civ.P. 205.3. As pertinent here, Colo.R.Civ.P. 205.3(2)(a) details what an out-of-state attorney must do to be permitted to appear *pro hac vice*.

4. On March 3, 2020, Mr. David P. Swanson, of the firm of Dorsey and Whitney LLP filed a motion to appear *pro hac vice* on behalf of Tri-State in this matter and attested to the pertinent requirements in Colo.R.Civ.P. 205.3. The motion is granted.

**III. ORDER**

**A. It Is Ordered That:**

1. The Stipulation Regarding Procedural Schedule filed on March 6, 2020, is made an Order of the Commission and supplements the current procedural schedule.
2. The motion to appear *pro hac vice* filed on March 3, 2020, by David P. Swanson, is granted.
3. This Decision is effective on its Mailed Date.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

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Hearing Commissioner

ATTEST: A TRUE COPY

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

Doug Dean,  
Director