

Decision No. R20-0226-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0530E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF ITS 2016 ELECTRIC RESOURCE PLAN AMENDMENT REGARDING THE TARGETED 2019 SOLAR REQUEST FOR PROPOSALS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
GRANTING MOTION TO
VACATE PROCEDURAL SCHEDULE**

Mailed Date: April 7, 2020

I. STATEMENT

1. On September 30, 2019, Public Service Company of Colorado (Public Service) filed its Verified Application for approval of its 2016 Electric Resource Plan (ERP) Amendment Regarding the 2019 Solar Request for Proposals (Application). Specifically, Public Service seeks Commission approval to replace approximately 200 MW of solar resources with replacement solar bids. The Commission originally approved the initial bids as part of the Preferred Colorado Energy Plan Portfolio in Decision No. C18-0761 in Proceeding No. 16A-0396E issued September 10, 2018 (Phase II Decision) for the reasons stated in the Application.

2. On October 31, 2019, the Colorado Office of Consumer Counsel (OCC) filed its Notice of Intervention of Right, Entry of Appearance, and Request for Hearing. The OCC is an intervenor as of right and a party in this proceeding. The OCC listed a series of issues they wish to investigate.

3. On October 31, 2019, the Colorado Independent Energy Association (CIEA) filed its Motion to Intervene. As a non-profit corporation and trade association of independent power producer (IPP) member companies, CIEA states that its members routinely participate in requests for proposals associated with the ERP processes of public utilities to bring their projects to market in Colorado. CIEA asserts that it has an interest in monitoring the present proceeding to ensure a fair and transparent bidding and bid evaluation process. CIEA further asserts that it and its members have a specific interest in advocating for Commission decisions and rules that safeguard competitive bidding of renewable resources and market participation by IPPs. Additionally, CIEA states that this proceeding will directly and substantially impact the tangible and pecuniary interests of its IPP members because those members currently operate, or seek to operate, electric generating resources in Colorado.

4. On October 31, 2019, Western Resource Advocates (WRA) filed its Petition for Leave to Intervene. WRA states that it is a nonprofit conservation organization dedicated to protecting the land, air, and water of the West and that it was actively engaged in Proceeding No. 16A-0396E, regarding Public Service's 2016 ERP. WRA asserts that the Commission's decision in this proceeding will directly impact its tangible interest in environmental protection, and no other party will adequately represent its interests in this matter.

5. On November 4, 2019, Trial Staff of the Commission (Staff) timely filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1403(b), and Request for Hearing. The intervention is of right, and Staff is a party in this matter.

6. On November 6, 2019, by minute order, Proceeding No. 19A-0530E was referred to an Administrative Law Judge.

7. The procedural history of the above captioned proceeding is recited in Decisions previously issued in this Proceeding and is repeated here as necessary to put this Decision into context.

8. On April 3, 2020, Public Service filed its Settlement Agreement and Unopposed Motion to Approve Settlement Agreement, Vacate Procedural Schedule and Request of Waiver for Response Time (Unopposed Motion).

9. In the Unopposed Motion, Public Service states that the parties have reached a settlement in the above captioned proceeding and request that the evidentiary hearing scheduled for April 7 and 8, 2020 be vacated. Public Service also states that supporting testimony shall be filed by April 10, 2020.

10. Good cause is found to vacate the procedural schedule. A ruling on the Settlement Agreement shall be made after the filing of supporting testimony.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Vacate the Procedural Schedule filed by Public Service Company of Colorado on April 3, 2020, is granted.

2. The evidentiary hearing in this matter scheduled for April 7 and 8, 2020, is vacated.

3. Testimony in support of the Settlement Agreement shall be filed by April 10, 2020.

4. A ruling on the Settlement Agreement filed on April 3, 2020 will be made after the filing of testimony in support of the Settlement Agreement.

5. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director