

Decision No. R20-0266-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  
ADMINISTRATIVE LAW JUDGE  
ROBERT I. GARVEY  
SETTING EVIDENTIARY HEARING**

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Mailed Date: April 16, 2020

**I. SUMMARY**

1. La Plata Electric Association, Inc. and United Power, Inc. (United Power) (collectively, Complainants) filed these formal complaints against Tri-State Generation and Transmission Association, Inc. on November 5 and 6, 2019, respectively, requesting that this

Commission determine a just, reasonable, and non-discriminatory exit charge for Complainants. On November 25, 2019, by Decision No. C19-0955-I, the Commission consolidated the complaints in Proceeding Nos. 19F-0620E and 19F-0621E and designated Commissioner Frances Koncilja as the Hearing Commissioner.

2. The procedural history of this proceeding is set out in previous Decisions and is repeated here as necessary to put this Decision in context.

3. Commissioner Koncilja's term expired in January 2020. She was asked and agreed to continue to serve until a new commissioner was appointed and confirmed in her stead. A new Commissioner was sworn in on March 13, 2020.

4. On March 13, 2020, by Decision No. R20-0175-I, the evidentiary hearing in this proceeding, scheduled for March 23 to March 27, 2020, was suspended and the proceeding returned to the Commission *en banc*.

5. On March 23, 2020, United Power filed its Notice of After-Decided Authority and Request for Video or Telephonic Status Conference.

6. On March 25, 2020, by Decision No. C20-0201-I, the Commission referred the matter to an Administrative Law Judge.

7. On April 3, 2020, by Decision No. R20-0218-I, a status conference was scheduled for April 14, 2020.

8. At the status conference, dates for an evidentiary hearing and post hearing statements of position were agreed to by the parties. This Decision memorializes those

dates. The dates for the evidentiary hearing and the filing of post hearing statements of position are shown below:

Evidentiary Hearing	May 18 through May 22, 2020
Statements of Position	May 29, 2020

9. Currently it is hoped that the evidentiary hearing will be held at the Commission offices. If the Covid-19 pandemic prevents an in-person hearing, instructions on how a remote video-conference hearing or partially remote video conference hearing will be conducted shall be issued in a later decision.

**II. ORDER**

**A. It Is Ordered That:**

1. An evidentiary hearing in this matter is scheduled for the following dates, at the following time, and in the following location:

DATES: May 18 through May 22, 2020  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room  
1560 Broadway, Suite 250  
Denver, Colorado

2. This Decision is 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