

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0063E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE GREENWOOD TO DENVER TERMINAL 230 KV TRANSMISSION PROJECT ASSOCIATED WITH THE COLORADO ENERGY PLAN, ASSOCIATED FINDINGS OF NOISE AND MAGNETIC FIELD REASONABLENESS, AND UPRATE PROJECTS.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
VACATING PREHEARING CONFERENCE;
ESTABLISHING PROCEDURAL SCHEDULE;
SETTING HEARING DATES; AND NOTICE OF HEARING**

Mailed Date: May 12, 2020

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I. STATEMENT**A. Procedural History.**

1. On February 21, 2020, Public Service Company of Colorado (Public Service or the Company) filed with the Colorado Public Utilities Commission (Commission), a Verified Application (Application) for a Certificate of Public Convenience and Necessity (CPCN) requesting that the Commission grant the Application and: (1) issue a CPCN for construction of the Greenwood to Denver Terminal 230 kV Transmission Project (GDT Project) and three transmission line uprate projects; (2) grant a presumption of prudence for the costs of the GDT Project and transmission line uprate projects; and (3) find that the associated noise and magnetic field levels that the Company estimates will result from operating the GDT Project are reasonable by rule and require no further mitigation.

2. The GDT Project includes: (1) installing approximately 15 miles of new 230 kV transmission facilities located in existing rights-of-way originating at the existing Greenwood Substation located in the southeastern Denver Metro area, and terminating at the Denver Terminal Substation located on the west side of the City of Denver's city center; and (2) modifications to the existing Greenwood, Arapahoe, and Denver Terminal Substations to accommodate the new 230 kV circuit, including an expansion of the Denver Terminal Substation. The Company also plans to perform minor uprates to three existing transmission lines by modifying termination equipment within existing substations.¹

¹ Application, at pages 1-2. Public Service explains that the uprates to existing transmission lines do not require new construction or extension of transmission facilities, as the power carrying capabilities (continuous ratings) of these lines are limited by facilities other than the transmission conductors (*e.g.*, switches, jumpers, and relay equipment in existing substations) that when replaced, allow the continuous rating of the transmission line to be the conductor rating. *Id.*, Footnote 1 at page 2.

3. In the Application, Public Service asserts that the GDT Project and transmission line uprates are needed to implement the Colorado Energy Plan Portfolio approved by the Commission in Decision No. C18-0761 in Proceeding No. 16A-0396E (*i.e.*, the Company's 2016 Electric Resource Plan (ERP) proceeding). Public Service estimates that the construction of the GDT Project using the preferred approach will cost approximately \$50.1 million with an additional \$1.8 million for the three transmission line uprate projects, both components plus or minus 20 percent.²

4. The procedural history of this Proceeding is set forth in detail in Decisions previously issued herein and is repeated here as necessary to put this Decision into context.

5. On February 24, 2020, the Commission issued a Notice of Application Filed (Notice) establishing deadlines for the filing of intervention pleadings. Interested persons were to file motions to intervene within 30 days, or no later than March 25, 2020. The Notice observed that Public Service had filed testimony with the Application and was seeking a Commission decision within 120 days, or no later than July 30, 2020.

6. During the Commission's weekly meeting held on April 1, 2020, the Application was deemed complete for purposes of § 40-6-109.5, C.R.S. (2019), and was referred to an Administrative Law Judge (ALJ) for disposition. Subsequently the undersigned ALJ was assigned to preside over this Proceeding.

7. Pursuant to § 40-6-109.5(1), C.R.S. (2019), Decision No. R20-0328-I (mailed on May 1, 2020) extended the decision deadline for an additional 130 days for a maximum period of 250 days, or until December 7, 2020.

² Application, at page 2. *See* Decision No. C18-0761 (mailed September 10, 2018) in Proceeding No. 16A-0396E (Phase II ERP Decision).

8. Decision No. R20-0328-I also acknowledged the interventions as of right filed by Trial Staff of the Colorado Public Utilities Commission (Staff) on March 17, 2020 and by the Colorado Office of Consumer Counsel (OCC) on March 25, 2020.

9. The Parties to this Proceeding are Public Service, Staff, and OCC.

10. Decision No. R20-0328-I scheduled a remote prehearing conference in this Proceeding for May 15, 2020 at 10:00 a.m. The Decision also directed the Parties to consult prior to the prehearing conference and encouraged them, if possible, to file a consensus procedural schedule and hearing date(s) that are acceptable to all Parties. The ALJ encouraged Public Service to make a filing no later than May 11, 2020, stating any agreements reached.

11. On May 11, 2020, Public Service filed an Unopposed Motion to Adopt Consensus Procedural Schedule and Vacate Prehearing Conference, and Request for Waiver of Response Time (Unopposed Motion), which was supported by all the Parties. The ALJ has reviewed the negotiated procedural schedule and hearing dates, and he finds them acceptable.

12. Since the Unopposed Motion is supported by all the Parties, response time to the Unopposed Motion will be waived.

13. Public Service requests that the ALJ vacate the prehearing conference. The ALJ agrees, and the prehearing conference scheduled for May 15, 2020 at 10:00 a.m. will be vacated.

II. FINDINGS AND CONCLUSIONS

A. Procedural Schedule and Evidentiary Hearing Dates.

14. The ALJ will adopt the following consensus procedural schedule:

Procedural Activity	Date(s)
Application & Direct Testimony filed	Friday, February 21, 2020
Deemed Complete	Wednesday, April 1, 2020
Answer Testimony & Attachments	Wednesday, June 10, 2020
Rebuttal and Cross-answer Testimony & Attachments	Tuesday, June 30, 2020
Prehearing Motions (including dispositive motions, motions <i>in limine</i> , but not motions related to discovery)	Thursday, July 2, 2020
Stipulations &/or Settlement Agreements	Monday, July 13, 2020
Corrections to Pre-filed Testimony and Attachments	Friday, July 17, 2020
Evidentiary Hearing ³	Thursday and Friday July 23 and 24, 2020
Statements of Position (Filed Simultaneously)	Friday, August 7, 2020
Statutory Deadline for Commission’s Decision	Monday, December 7, 2020

B. Discovery-related Matters.

15. The Parties agreed to certain discovery procedures. First, Rule 1405 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, will govern discovery procedures and timeframes in this Proceeding. Second, for purposes of calculating due dates, any discovery served on a party at or after 3:00 p.m. on a Friday or the day before a holiday shall

³ Holding the hearing remotely may be necessary depending on the substance of public health orders and advisories to prevent the spread of coronavirus (COVID-19) in Colorado that may be in effect during July 2020. If it is necessary to hold the hearing remotely, a separate decision will be issued sufficiently in advance of the hearing providing links and instructions for the Parties and their counsel about how to participate in the hearing remotely.

be deemed to be submitted on the next business day. State holidays will be excluded for the purpose of calculating due dates. Third, discovery responses, except attachments, shall be served in a single document (*e.g.*, .doc, .docx, or .pdf), unless otherwise agreed to by the requesting and responding parties. Fourth, all discovery requests and responses will be served upon each Party to the proceeding.

16. Additionally, the ALJ finds that motions pertaining to discovery disputes may be filed at any time. The response time to a motion pertaining to a discovery dispute shall be five business days. All discovery motions and responses shall be filed through the Commission's E-filings System and then served by e-mail. If necessary, the ALJ will hold a telephone hearing on a discovery-related motion, with notice to counsel for all Parties, as soon as practicable after the motion and response have been filed.

C. Confidential Material.

17. The Parties agreed that presently there is no protective order in this case and all Parties are authorized to view confidential information. Accordingly, the Parties anticipate the procedures set forth in Rules 1100 and 1101 of the Rules of Practice and Procedure⁴ are adequate, but they reserve the right to seek extraordinary protection in the future if the need arises.

D. Electronic Hearing Exhibits.

18. The Parties agreed that presentation of evidence at the hearing should be done through electronic exhibits to the fullest extent possible, with the exception of exhibits to be used for impeachment or rebuttal. A separate Interim Decision will be issued addressing the

⁴ 4 *Code of Colorado Regulations* 723-1 (2015).

presentation of electronic exhibits at the hearing, as well as whether the hearing will be held in-person in a Commission hearing room or remotely via video conference.

E. Final Prehearing Conference.

19. The Parties agreed that a final prehearing conference is not necessary immediately prior to the start of the evidentiary hearing. However, if one or more of the Parties believes a final prehearing conference is needed, each of the Parties reserved their right to request one on separate motion. Similarly, the Parties are amenable to holding a final pre-hearing conference if the ALJ would prefer to set one.

III. ORDER

A. It Is Ordered That:

1. An evidentiary hearing is scheduled in this matter as follows:

DATES: July 23 and 24, 2020

TIME: 9:00 a.m.

PLACE: Hearing Room A
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado

2. The prehearing conference scheduled for May 15, 2020 at 10:00 a.m. is vacated.

3. Consistent with the discussion, findings, and conclusions in this Decision, the procedural schedule, as stated in Paragraph II.A.14 at of this Decision, is adopted and shall be followed by the Parties in this Proceeding.

4. The procedures and deadlines for discovery, set forth in ¶¶ II.B.15 and 16 of this Decision, are adopted and shall be followed by the Parties in this Proceeding.

5. The Parties shall comply with this Interim Decision, shall make the filings required by the procedural schedule, and shall follow the directions on other procedural matters set forth in this Decision. The Parties shall continue to abide by the procedural advisements adopted in Decision No. R20-0328-I (mailed on May 1, 2020).

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director