

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-0094E

IN THE MATTER OF ADVICE LETTER NO. 1820-ELECTRIC OF PUBLIC SERVICE COMPANY OF COLORADO TO IMPLEMENT AN OPTIONAL SCHEDULE INTERVAL DATA METER OPTION FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE ON APRIL 6, 2020.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
GRANTING JOINT MOTION AND
VACATING PREHEARING CONFERENCE**

Mailed Date: May 20, 2020

I. STATEMENT, BACKGROUND, FINDINGS, AND CONCLUSIONS

1. Only the procedural history necessary to understand this Decision is included. This matter concerns Public Service Company of Colorado's (Public Service or the Company) Advice Letter No. 1820 – Electric to implement Schedule Interval Data Meter Option in the Company's Colorado P.U.C. No. 8 – Electric tariff, Sheet Nos. 119 and 119A.
2. The Colorado Office of Consumer Counsel (OCC) and the Colorado Public Utilities Commission Trial Staff (Staff) are the only interveners in this proceeding. They object to the Company's advice letter and request a hearing on it.
3. In anticipation of the evidentiary hearing in this matter, the Administrative Law Judge (ALJ) scheduled a remote prehearing conference for May 26, 2020 at 1:30 p.m. in order to schedule a hearing and establish relevant deadlines. Decision No. R20-354-I issued May 8, 2020. The ALJ also required the parties to confer on a hearing date and procedural schedule prior to the prehearing conference. *Id.* The ALJ noted that if the parties submit an agreed-upon hearing date

and procedural schedule which complies with the requirements in Decision No. R20-0354-I, the ALJ may vacate the prehearing conference. *Id.* at ¶ 13.

4. On May 19, 2020, Public Service, the OCC, and Staff filed an “Unopposed Joint Motion to Adopt Proposed Procedural Schedule, Vacate Prehearing Conference, and Waiver of Response Time” (Joint Motion). The Joint Motion includes proposed hearing dates and procedural deadlines. Joint Motion, ¶ 5. The Joint Motion also states that the parties agree that Rule 1405 of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, govern discovery in this proceeding, and that unless Rules 1100 and 1101 are modified by the Commission, the parties agree that those rules govern treatment of confidential and highly confidential information for which extraordinary protection is sought. *Id.* at ¶¶ 7-8. The parties do not request a final prehearing conference prior to the hearing. *Id.* at ¶ 6. The parties are willing and able to participate in the evidentiary hearing remotely through video conference. *Id.* at ¶ 11. Because all parties agree to the requested relief in the Joint Motion, the parties request that the Commission waive the response time to it. *Id.* at ¶ 9. For the same reason, the parties also ask that the prehearing conference be vacated. *Id.* at ¶ 10.

5. The ALJ finds that because all parties have joined the Joint Motion, there is no need for a response to it. As such, the ALJ waives the response time to the Joint Motion. *See* Rule 1400, 4 CCR 723-1. The ALJ finds that the parties’ proposed hearing dates and procedural schedule complies with the requirements in Decision No. R20-0354-I, and that the other agreements outlined in the Joint Motion are reasonable and appropriate. For the same reasons, the ALJ finds that there is no need for a prehearing conference. As such, the ALJ will grant the Joint Motion, and will vacate the May 26, 2020 prehearing conference in this matter.

6. All parties are willing and able to hold the hearing remotely by video conference. The ALJ finds that given the uncertainty which the COVID-19 pandemic creates on future public gatherings, it is in the parties' interests to hold a remote evidentiary hearing and that doing so is consistent with public health advisories to prevent the spread of COVID-19. As such, the ALJ will order that the evidentiary hearing be held remotely by video conference.

7. Because the prehearing conference is closely approaching, the ALJ will vacate the prehearing conference through this Decision and will issue a separate decision that details the approved hearing dates and deadlines, as well as other requirements intended to facilitate holding the video-conference evidentiary hearing.

II. ORDER

A. **It Is Ordered That:**

1. The response time to the Unopposed Joint Motion to Adopt Proposed Procedural Schedule, Vacate Prehearing Conference, and Waiver of Response Time (Joint Motion) filed on May 19, 2020 is waived. Consistent with the above discussion, the Joint Motion is granted.

2. The remote prehearing conference scheduled for May 26, 2020 at 1:30 p.m. in this matter is vacated.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director