

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0728E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE VOLTAGE CONTROL FACILITIES ASSOCIATED WITH THE COLORADO ENERGY PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING REQUEST TO SHORTEN RESPONSE TIME
TO THE JOINT MOTION TO VACATE AND STAY**

Mailed Date: May 28, 2020

I. BY THE COMMISSION

A. Statement

1. On December 20, 2019, Public Service Company of Colorado (PSCo) filed the Application described in the above caption.
2. On the same day, the Commission issued notice of the Application.
3. On January 10, 2020, Trial Staff of the Commission (Staff) filed a notice of intervention by right and entry of appearance.
4. On January 21, 2020, the Office of Consumer Counsel (OCC) filed a notice of intervention and entry of appearance.
5. On January 29, 2020, the Commission deemed the Application complete and referred this proceeding to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

6. On February 21, 2020, the ALJ issued Decision No. R20-0122-I that: (a) scheduled a prehearing conference for March 4, 2020 at 9:00 a.m.; (b) ordered the parties to confer in advance of the prehearing conference regarding a schedule for this proceeding; and (c) ordered PSCo to file a report of the results of the conferral by March 2, 2020.

7. On March 2, 2020, PSCo filed an Unopposed Motion to Adopt Consensus Procedural Schedule, Vacate Prehearing Conference, and for Leave to File Supplemental Direct Testimony.

8. On March 5, 2020, the ALJ issued Decision No. R20-0142-I that adopted the consensus procedural schedule proposed by the parties. Among other things, Decision No. R20-0142-I scheduled an in-person hearing in this proceeding for June 1 and 2, 2020.

9. On May 19, 2020, the ALJ issued Decision No. R20-0377-I that converted the in-person hearing into a remote hearing and provided instructions for participating remotely in the remote hearing. Decision No. R20-0377-I also scheduled a remote prehearing conference for May 28, 2020 at 1:30 p.m.

10. On May 26, 2020, PSCo and Staff filed: (a) a Notice of Settlement, Joint Motion to Vacate Procedural Schedule and Stay Proceeding, and Request for Shortened Response Time of One Day (Joint Motion to Vacate and Stay); and (b) a Notice of Settlement and Joint Motion to Approve Settlement, Consolidate Proceedings, Hear Consolidated Proceeding *En Banc*, Approve Procedural Schedule, and Shorten Response Time of Three Days (Joint Motion to Consolidate) (collectively, Joint Motions). The Joint Motion to Vacate and Stay is directed to the ALJ and the Joint Motion to Consolidate is directed to the Commission. In both Joint Motions,

PSCo and Staff state that they have reached an agreement to settle this proceeding and Proceeding No. 20A-0063E currently pending before ALJ Steven Denman, but that the OCC, at a minimum, is not a party to the agreement. In the Joint Motion to Consolidate, PSCo and Staff request the Commission to consolidate this proceeding and Proceeding No. 20A-0063E to consider and address the settlement, hear the consolidated proceeding *en banc*, adopt a procedural schedule proposed by PSCo and Staff for the proposed consolidated proceeding, and shorten response time to the Joint Motion to Consolidate to May 29, 2020 so that the Commission can rule thereon “on or before Wednesday, June 3, 2020.”¹ In the Joint Motion to Vacate and Stay, PSCo and Staff request that the schedule in this proceeding, including the hearing scheduled for June 1 and 2, 2020, be vacated, the proceeding be stayed, and response time to the Joint Motion to Vacate and Stay be shortened to May 27, 2020 “so that [the ALJ] can rule on this Motion at the May 28, 2020 pre-hearing conference.”²

B. Request to Shorten Response Time to Joint Motion to Vacate and Stay

11. In the Joint Motion to Vacate and Stay, PSCo and Staff state that the OCC does not oppose the request to shorten response time to May 27, 2020. Specifically, PSCo and Staff state that the “OCC plans to file a more detailed response to this Motion by close of business on May 27, 2020 that may allow for the hearing to be vacated subject to certain conditions proposed by OCC.”³ Accordingly, the ALJ finds and concludes that PSCo and Staff have stated good cause for the request to shorten response time.

¹ Joint Motion to Consolidate at p.14 (Request for Relief)

² Joint Motion to Vacate and Stay at 6 (¶ 15).

³ *Id.* at 2 (Statement Regarding Conferral).

II. ORDER**A. It Is Ordered That:**

1. The request to shorten response time to May 27, 2020 to the Notice of Settlement, Joint Motion to Vacate Procedural Schedule and Stay Proceeding, and Request for Shortened Response Time of One Day filed by Public Service Company of Colorado and Trial Staff of the Commission on May 26, 2020 (Joint Motion to Vacate and Stay) is granted. The response of the Office of Consumer Counsel to the Joint Motion to Vacate and Stay shall be filed by May 27, 2020.

2. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge