

Decision No. R20-0547-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20F-0243E

UTILITIES BOARD OF THE CITY OF LAMAR,

COMPLAINANT,

V.

SOUTHEAST COLORADO POWER ASSOCIATION,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING JOINT REQUEST TO VACATE REMOTE
HEARING, VACATING REMOTE HEARING, AND
SCHEDULING REMOTE PREHEARING CONFERENCE**

Mailed Date: July 29, 2020

TABLE OF CONTENTS

I. STATEMENT.....	2
A. Relevant Background	2
B. Joint Request	2
C. Remote Prehearing Conference and Hearing	4
D. Instructions for Participating in, and Observing, the Remote Prehearing Conference.....	4
II. ORDER.....	4
A. It Is Ordered That:	4

I. STATEMENT**A. Relevant Background**

1. On June 2, 2020, Utilities Board of the City of Lamar (LUB) filed a formal complaint (Complaint) against Southeast Colorado Power Association (SECPA).

2. On June 4, 2020, the Commission scheduled the Complaint for an evidentiary hearing to be held on August 17, 2020 starting at 9:00 a.m. On the same date, the Commission served the Order Setting Hearing and Notice of Hearing and other documents on LUB.

3. Also on June 4, 2020, the Commission served on SECPA the Complaint, the Order Setting Hearing and Notice of Hearing, and an Order to Satisfy or Answer.

4. On June 10, 2020, the Commission referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

5. On June 24, 2020, SECPA filed its Answer and Counterclaims.

6. On July 14, 2020, LUB filed its Reply to SECPA's Counterclaims.

7. On July 17, 2020, the ALJ issued Decision No. R20-0528-I that converted the in-person hearing into a remote hearing and provided instructions.

8. On July 22, 2020, LUB and SECPA filed a Joint Request to Vacate the Hearing and Schedule a Prehearing Conference (Joint Request).

B. Joint Request

9. The parties agree that the outcome of this case could have significant potential implications "for other retail loads of interest to LUB and SECPA."¹ For this reason, both LUB

¹ Joint Request at 2 (¶ 2).

and SECPA would like more time to conduct discovery and thereby develop the record in this proceeding. Accordingly, they jointly request that the hearing be vacated.

10. The parties have also proposed the following schedule for this proceeding:

<u>Event</u>	<u>Deadline</u>
Direct Testimony by LUB regarding its Complaint and by SECPA regarding its Counterclaims	August 24, 2020
Answer Testimony by SECPA regarding LUB's Complaint and by LUB regarding SECPA's Counterclaims	September 21, 2020
Rebuttal Testimony by LUB regarding its Complaint and by SECPA regarding its Counterclaims	October 12, 2020
Deadline for Settlement, Stipulations, and Prehearing Motions	October 19, 2020
Deadline for Responses to Prehearing Motions, and Corrections to Testimony	October 26, 2020
Evidentiary Hearing	November 9-10, 2020
Deadline for Post-Hearing Statements of Position	December 2, 2020
Statutory Deadline	March 19, 2020 ²

11. LUB and SECPA also agree that: “(a) Commission Rule 1405 will apply to the discovery procedures in this proceeding with one modification: discovery served after 3:00 p.m. on a Friday or before a holiday will be considered as served the next business day for purposes of calculating the due date for responses;”³ and (b) “[t]o the extent the procedural schedule and discovery procedures are adopted prior to July 30, 2020, the parties agree that the provisions of

² *Id.* at 2-3 (¶ 3).

³ *Id.* at 3 (¶ 4).

the Commission's recently amended Rules of Practice and Procedure shall apply to this proceeding prior to and after July 30, 2020.”⁴

12. Finally, the parties request a prehearing conference to discuss “the feasibility of [the proposed] schedule and to establish such other procedures as may be appropriate.”⁵

C. Remote Prehearing Conference and Hearing

13. Based on the foregoing, the remote hearing scheduled for August 17, 2020, shall be vacated and a remote prehearing conference shall be scheduled for August 7, 2020 at 9:00 a.m. The ALJ finds that holding the prehearing conference remotely is consistent with current public health advisories to prevent the spread of COVID-19. The ALJ concludes that it is in the parties' and the public interest to hold the prehearing conference remotely.

D. Instructions for Participating in, and Observing, the Remote Prehearing Conference

14. Attachment A to this Decision provides the information addressing how to use the GoToMeeting platform for participating in the remote prehearing conference.

II. ORDER

A. It Is Ordered That:

1. The remote hearing scheduled for August 17, 2020, is vacated.

2. A remote prehearing conference shall be held as follows:

DATE: August 7, 2020

TIME: 9:00 a.m.

FOR WEBCASTS: Hearing Room B

METHOD: Join by video conference at the link to be provided in an email from the Administrative Law Judge

⁴ *Id.* at 3 n. 4.

⁵ *Id.* at 3 (¶ 5).

3. Nobody should attend the remote prehearing conference in-person.
4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director