

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0660E

IN THE MATTER OF THE APPLICATION OF BLACK HILLS COLORADO ELECTRIC, LLC FOR APPROVAL OF AN AMENDMENT TO ITS 2016 ELECTRIC RESOURCE PLAN CONCERNING A COMPETITIVE SOLICITATION FOR UP TO 200 MW OF RENEWABLE ENERGY AND ENERGY STORAGE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
GRANTING JOINT MOTION TO VACATE REBUTTAL
AND CROSS-ANSWER TESTIMONY DEADLINE AND
SETTING DATE FOR THE FILING OF SETTLEMENT
AGREEMENT AND SETTLEMENT TESTIMONY**

Mailed Date: August 4, 2020

I. STATEMENT

1. On November 22, 2019, Black Hills Colorado Electric, LLC (Black Hills or the Company) filed an Application for Approval of an Amendment to its 2016 Electric Resource Plan Concerning a Competitive Solicitation for Up to 200 MW of Renewable Energy and Energy Storage (Application). Black Hills filed the Application with an initial procedural motion (Omnibus Motion) requesting that the Commission: (1) agree to hear this Proceeding *en banc*; (2) adopt the procedural schedule proposed within the Omnibus Motion; (3) grant all necessary waivers and variances from the Commission's Rules as set forth in the Omnibus Motion or as otherwise deemed necessary by the Commission; and (4) grant extraordinary protection for certain information the Company claims to be highly confidential.

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. On April 10, 2020, by Decision No. R20-0240-I, a procedural schedule was adopted. The procedural schedule called for Rebuttal and Cross Answer testimony to be filed by August 3, 2020.

4. On July 31, 2020, the Parties filed their Notice of Settlement, Unopposed Joint Motion to Vacate Rebuttal and Cross-Answer Testimony Deadline, and Request for Waiver of Response Time (Unopposed Motion).

5. In their Unopposed Motion the Joint Movants state¹ that they have reached a settlement in principle in the above captioned proceeding and request that the ALJ vacate the upcoming deadline for the submittal of Rebuttal and Cross-Answer Testimonies and order new procedural deadlines for the filing of the Settlement Agreement and testimony in support of the Settlement Agreement, respectively.

6. The Joint Movants request that the ALJ set a deadline of close of business on August 10, 2020, for the filing of the Settlement Agreement and the Motion for Approval of the Settlement Agreement. The Joint Movants further request that the ALJ allow testimony in support of the Settlement Agreement to be filed by close of business on August 13, 2020, for the Joint Movants who wish to file settlement testimony.

7. Good cause is found to grant the Unopposed Motion.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Joint Motion to Vacate Rebuttal and Cross-Answer Testimony Deadline, and Request for Waiver of Response Time filed on July 31, 2020, is granted.

¹ Pueblo Water did not respond to efforts by Black Hills to ascertain their position on the Unopposed Motion.

2. The Settlement Agreement and the Motion for Approval of the Settlement Agreement shall be filed by the parties by end of business on August 10, 2020.

3. Testimony in support of the Settlement Agreement shall be filed by close of business on August 13, 2020.

4. Any potential hearing on the settlement will be addressed in a future decision.

5. 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