

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
VACATING EVIDENTIARY HEARING**

Mailed Date: August 14, 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 Motion to Vacate Rebuttal and Cross-Answer Testimony Deadline Notice of Settlement and Request for Waiver of Response Time (Unopposed Motion).

5. On August 4, 2020, by Decision No. R20-0569-I, the Unopposed Motion was granted.

6. On August 10, 2020, the Parties filed their Joint Motion to Approve Settlement Agreement and Settlement Agreement (Joint Motion).

7. In the Joint Motion, the Parties state they have reached an agreement in the above captioned proceeding and attached the Settlement Agreement. The Parties also state that testimony in support of the Settlement Agreement will be filed by August 13, 2020. The Parties request that the remainder of the procedural schedule, including the evidentiary hearing, be vacated.

8. On August 13, 2020, the Parties filed testimony in support of the Settlement Agreement.

9. To allow sufficient time to review the Settlement Agreement and the testimony filed in support thereof, good cause is found to vacate the evidentiary hearing.

10. Should the undersigned ALJ determine that a hearing on the settlement is necessary, it shall be set in a later decision.

II. ORDER

A. It Is Ordered That:

1. The evidentiary hearing scheduled for August 18 and 19, 2020, shall be vacated.
2. If a hearing on the Settlement Agreement is necessary, it shall be set in a later decision.
3. 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