

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 20A-0268E

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF  
COLORADO FOR APPROVAL OF ITS ZUNI STATION DECOMMISSIONING PLAN.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ROBERT I. GARVEY  
VACATING PREHEARING CONFERENCE, ADOPTING  
PROCEDURAL SCHEDULE, SETTING REMOTE  
HEARING, AND ADDRESSING ELECTRONIC EXHIBITS**

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Mailed Date: August 20, 2020

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**I. STATEMENT**

**A. Background**

1. On June 19, 2020, Public Service Company of Colorado (Public Service) filed its Verified Application for approval of its decommissioning plan for its Zuni Electric Generating Station.

2. On July 14, 2020, the Colorado Office of Consumer Counsel (OCC) filed its Notice of Intervention of Right, Entry of Appearance, and Request for Hearing. The OCC is an intervenor as of right and a party in this proceeding.

3. On July 21, 2020, Trial Staff of the Colorado Public Utilities Commission (Staff) timely filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1403(b), and Request for Hearing. The intervention is of right, and Staff is a party in this matter.

4. On July 29, 2020, by minute order, Proceeding No. 20A-0268E was referred to the undersigned Administrative Law Judge (ALJ).

5. On August 5, 2020, by Decision No. R20-0572-I, a prehearing conference was scheduled for August 25, 2020.

6. On August 19, 2020, Public Service filed its Unopposed Motion to Adopt a Consensus Procedural Schedule and Vacate Prehearing Conference (unopposed Motion). In the Unopposed Motion, the parties state they have agreed upon a procedural schedule in the above captioned proceeding and request that the prehearing conference be vacated.

## **B. Schedule**

7. The Parties propose the following schedule:

Answer Testimony	September 25, 2020
Rebuttal & Cross-Answer Testimony	November 5, 2020
Corrections to Pre-filed Testimony & Exhibits,	November 12, 2020
Pre-Hearing Motions	November 19, 2020
Stipulations / Settlement Agreements	December 3, 2020
Evidentiary Hearing	December 15 & 16, 2020
Statements of Position	January 8, 2020

8. The Parties have also reached consensus on provisions for discovery in this proceeding. Under the agreed-to provisions, the discovery timelines and procedures set forth in the newly effective Rule 1405(b) and Rule 1405(d) shall control. Discovery responses, except attachments, shall be served in a single document (*e.g.*, doc, .docx, or .pdf) unless otherwise agreed to by the requesting and responding parties. All discovery requests and responses will be served upon each Party to the proceeding.

**C. Remote Hearing**

9. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over the novel coronavirus pandemic (COVID-19). Since then, Colorado State government and the Commission have been working diligently to address how to safely and effectively manage the challenges presented by COVID-19. These efforts have focused on limiting the disruption to the services delivered by the Commission (and other State agencies), while attempting to mitigate the risks to State employees and the public. For example, the Commission has been conducting its Weekly Meetings remotely, and the Commission has asked members of the public not to attend meetings in person, but to view them by webcast. Finally, public access to the building containing the Commission's offices and hearing rooms has been restricted and no date has been set for access to the hearing rooms.

10. Under these circumstances, the hearing in this proceeding shall be conducted as a remote hearing at which the participants will appear from remote locations. The ALJ finds that holding a remote hearing is consistent with current public health advisories to prevent the spread of COVID-19. The ALJ concludes that it is in the public interest to hold the hearing in this proceeding as a remote hearing.

11. Attachment A to this Decision provides the requirements and information addressing how to use the GoToMeeting platform for participating in the remote hearing.

**D. Electronic Exhibits**

12. The presentation of evidence at the hearing shall be done through electronic exhibits to the fullest extent possible. Instructions for the electronic presentation of exhibits at the hearing (and for preparing prefiled testimony) are included in Attachment B.

**II. ORDER**

**A. It Is Ordered That:**

1. The Unopposed Motion to Adopt a Consensus Procedural Schedule and Vacate Prehearing Conference, filed by Public Service Company of Colorado on August 19, 2020 is granted.

2. The prehearing conference scheduled for August 25, 2020 shall be vacated.

3. A remote evidentiary hearing in this proceeding is scheduled as follows:

DATES: December 15 and 16, 2020

TIME: 9:00 a.m.

FOR WEBCASTS: Hearing Room A

METHOD: Join by video conference at the link to be provided by the email from the Administrative Law Judge, **OR**

Join by telephone: Dial the telephone number provided in the email, and when prompted, enter the PIN (or Meeting ID) in the email.

4. The parties, witnesses, and members of the public should not attend the remote hearing in-person.

5. The procedural schedule stated in paragraph 7 above is adopted.

6. In addition to other requirements of the Commission's Rules of Practice and

Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony), all pre-filed hearing exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

7. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT I. GARVEY

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Administrative Law Judge