

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

PROCEEDING NO. 20A-0287EG

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IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF  
COLORADO FOR APPROVAL OF ITS ELECTRIC AND NATURAL GAS DEMAND-SIDE  
MANAGEMENT (DSM) PLAN FOR CALENDAR YEARS 2021 AND 2022.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
CONOR F. FARLEY  
ADDRESSING INTERVENTIONS, SCHEDULING  
REMOTE PREHEARING CONFERENCE,  
AND REQUIRING PARTIES TO CONFER AND  
FILE A REPORT REGARDING THE CONFERRAL  
BEFORE THE REMOTE PREHEARING CONFERENCE**

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Mailed Date: September 2, 2020

**I. BY THE COMMISSION**

**A. Background**

1. On July 1, 2020, Public Service Company of Colorado (PSCo) filed a Verified Application for Approval of its Electric and Natural Gas Demand Side Management Plan (DSM Plan) for Calendar Years 2021 and 2022 (Application). In the Application, PSCo explains that it has filed biennial combined electric and gas DSM plans since 2008, and that the Application is consistent with the Commission's directives in PSCo's most recent DSM and DSM Strategic Issues (SI) proceedings,<sup>1</sup> and Rules 4750 to 4760 of the Commission's Rules Regulating Gas Utilities and Pipeline Operators.<sup>2</sup> PSCo further states that the DSM Plan contains detailed descriptions of each program it proposes for 2021 and 2022, including

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<sup>1</sup> See Proceeding Nos. 17A-0462EG (DSM SI) and 18A-0606EG (DSM).

<sup>2</sup> 4 *Colorado Code Regulations* 723-4.

information on how each program and product are expected to operate, which customers are eligible to participate, how customers receive the services, who provides those services, and how each program will be evaluated and monitored. If the Application is not approved before January 1, 2021, PSCo requests that the existing 2019 to 2020 DSM Plan be continued until the DSM Plan at issue in this proceeding has been approved. With the Application, PSCo filed the direct testimony of Shawn M. White, Mark R. Schoenheider, and Jeremy Petersen.

2. On July 2, 2020, the Commission issued notice of the Application.

3. From July 8 to 20, 2020, Trial Staff of the Commission, the Colorado Energy Office, and the Office of Consumer Counsel filed notices of intervention by right and entries of appearance.

4. From July 20, 2020 to August 3, 2020, the City of Boulder (Boulder), City of Denver (Denver), National Resources Defense Council (NRDC), Sierra Club, Colorado Energy Consumers (CEC), Southwest Energy Efficiency Project (SWEEP), ChargePoint, Inc. (ChargePoint), Energy Efficiency Business Coalition (EEBC), Energy Outreach Colorado (EOC), and Western Resource Advocates (WRA) filed motions or petitions to intervene.

5. On August 12, 2020, the Commission issued a minute order deeming the Application complete and referring this proceeding to an Administrative Law Judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

6. On August 27, 2020, PSCo filed a Motion for Leave to File Supplemental Direct Testimony and Request for Waiver of Response Time. The Supplemental Direct Testimony PSCo seeks to file is that of Mr. Schoenheider.

**B. Interventions**

7. The motions and petitions for intervention filed by Boulder, Denver, NRDC, Sierra Club, CEC, SWEEP, ChargePoint, EEBC, EOC, and WRA are granted.

**C. Remote Prehearing Conference**

8. It is appropriate to hold a prehearing conference in this proceeding. 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. Accordingly, a remote prehearing conference shall be scheduled for September 21, 2020 at 1:00 p.m. Attachment A to this Decision provides the information addressing how to use the GoToMeeting platform for participating in the remote prehearing conference.

9. PSCo and the other parties shall confer in advance of the remote prehearing conference regarding a schedule for this proceeding. PSCo shall file a report of the results of the conferral. If there is agreement on a procedural schedule, the report shall state as much and detail the stipulated procedural schedule and associated discovery procedures. If an agreement is not achieved, the report shall state as much and identify the competing schedules and discovery procedures. For purposes of developing a schedule, the latest date on which the hearing must conclude is December 23, 2020, which is based on the assumption that the proceeding will be decided within the 250-day deadline provided by § 40-6-109.5(1), C.R.S. The deadline to file the report shall be September 17, 2020.

10. All parties must appear at the remote prehearing conference. Failure to attend or to participate in the remote prehearing conference is a waiver of any objection to the rulings made, to the procedural schedule established, and to the hearing dates scheduled during the remote prehearing conference.

## **II. ORDER**

### **A. It Is Ordered That:**

1. The Motions or Petition to Intervene filed by the City of Boulder (Boulder), City of Denver (Denver), National Resources Defense Council (NRDC), Sierra Club, Colorado Energy Consumers (CEC), Southwest Energy Efficiency Project (SWEEP), ChargePoint, Inc. (ChargePoint), Energy Efficiency Business Coalition (EEBC), Energy Outreach Colorado (EOC), and Western Resource Advocates (WRA) are granted.

2. Public Service Company of Colorado (PSCo), Trial Staff of the Commission, Office of Consumer Counsel, Colorado Energy Office, Boulder, Denver, NRDC, Sierra Club, CEC, SWEEP, ChargePoint, EEBC, EOC, and WRA are the parties to this proceeding.

3. A remote prehearing conference in this proceeding is scheduled as follows:

DATE: September 21, 2020

TIME: 1:00 p.m.

FOR WEBCASTS: Hearing Room B

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

4. PSCo shall file the report of the conferral identified above on or before September 17, 2020.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CONOR F. FARLEY

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director