

Decision No. R20-0797-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0375E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR APPROVAL OF THE PPA TERMINATION AGREEMENT WITH KEPCO SOLAR OF ALAMOSA, LLC AND AUTHORITY TO ESTABLISH A REGULATORY ASSET AND RECOVER COSTS ASSOCIATED WITH THE PPA TERMINATION AGREEMENT THROUGH THE ELECTRIC COMMODITY ADJUSTMENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
SETTING PREHEARING CONFERENCE**

Mailed Date: November 10, 2020

I. STATEMENT

1. On September 8, 2020, Public Service Company of Colorado filed its verified application seeking Commission approval to terminate the Solar Energy Purchase Agreement with KEPCO Solar of Alamosa, LLC and to recover the costs that are necessary to execute the transaction.

2. On September 18, 2020, the Colorado Office of Consumer Counsel (OCC) filed its Notice of Intervention of Right, Request for Hearing and Entry of. The OCC listed a series of issues they wish to investigate.

3. On October 1, 2020, the Colorado Public Utilities Commission Trial Staff filed a Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rule 1007(a), and Request for Hearing.

4. On October 28, 2020, by Minute Order, Proceeding No. 20A-0375E was referred to an Administrative Law Judge (ALJ).

II. PREHEARING CONFERENCE

5. In anticipation of a hearing, the ALJ will schedule a remote prehearing conference per Rule 1409(a), 4 *Code of Colorado Regulations* 723-1, of the Commission's Rules of Practice and Procedure. At the remote prehearing conference, an evidentiary hearing will be scheduled, and procedural deadlines will be established.¹ The parties may raise other issues relevant to this proceeding at the prehearing conference. The parties are required to confer on a hearing date and procedural deadlines before the prehearing conference. As part of this conferral, the parties must discuss whether they are willing and able to hold the evidentiary hearing by video conference.²

6. The ALJ encourages the parties to submit a proposed hearing date and procedural schedule prior to the prehearing conference.³ If the ALJ substantially approves the proposed schedule, the ALJ may vacate the prehearing conference.

7. The remote prehearing conference will be held using the web-hosted video conferencing service, GoToMeeting. To minimize the potential that the video-conference hearing may be disrupted by non-participants, the link and meeting ID or access code will be provided to the parties by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.

¹ This includes deadlines to file witness and exhibit lists, exhibits, post-hearing statements of position, settlement agreements and stipulations, and prehearing motions.

² Due to the COVID-19 global pandemic, the Commission's offices are not open to the public, and therefore no in-person hearings are being held. It is unknown when the Commission will be able to hold hearings in-person, but the Commission has been holding evidentiary hearings by video conference.

³ If the parties wish to preserve the ability to hold a hearing in-person if it becomes an option before the evidentiary hearing, the parties should ensure that Commission Hearing Room A is available for their proposed hearing dates. The parties may review the Commission's public calendar for this information, which they may find on the Commission's website. Also do not propose a hearing date on a Wednesday due to the Commission's weekly meeting.

8. Information and direction on using GoToMeeting to attend the hearing is provided in Attachment A to this Decision. The ALJ strongly encourages the parties to test their ability to use GoToMeeting *before* the remote prehearing conference.

9. *All parties are on notice that* failure to appear at the prehearing conference may result in decisions adverse to their interests, including granting the complete relief opposing parties seek. The ALJ will deem any party's failure to appear at the prehearing conference to be a waiver of that party's objection to the rulings made during the prehearing conference

III. ORDER

A. It Is Ordered That:

1. A prehearing conference is scheduled in this matter as follows:

DATE: November 30, 2020

TIME: 9:00 a.m.

METHOD: By video conference using GoToMeetings at a link provided to parties by email

2. The parties may not distribute the GoToMeeting link, and access or ID code to non-participants.

3. Attachment A is incorporated into this Decision.

4. 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