

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-164E

RE: THE INVESTIGATION AND SUSPENSION OF TARIFF SHEETS FILED BY PUBLIC SERVICE COMPANY OF COLORADO WITH ADVICE NO. 1411 – ELECTRIC.

**ORDER SUSPENDING EFFECTIVE DATE
OF TARIFFS AND NOTICE OF HEARING**

Mailed Date: April 14, 2004
Adopted Date: April 13, 2004

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On March 26, 2004, Public Service Company of Colorado (Public Service or Company) filed Advice Letter No. 1411 - Electric.

2. Public Service states that the purpose of this filing is to place into effect new base rates which will replace the currently effective base rates and will eliminate the Phase I General Rate Schedule Adjustment rider that was placed into effect pursuant to Decision No. C03-0670 in Docket No. 02S-315EG. The Company proposes several changes to its existing rate classes, structures, and amounts.

3. Public Service also proposes to implement a zero-based Electric Commodity Adjustment (ECA) and ECA Factors that will replace and supersede the currently effective ECA Factors. Costs associated with fuel and purchased energy will be removed from base rates and recovered through the ECA. According to Public Service, it is necessary to increase the Fort St. Vrain Decommissioning rider and the Demand Side Management Adjustment rider as a result of removing fuel and purchased energy costs from base rates.

4. Finally, Public Service proposes to recover any monthly credits paid to customers under the new interruptible tariff (Schedule ISOC) through the proposed Purchased Capacity Cost Adjustment (PCCA). The Company's proposed PCCA filing is currently pending before this Commission.

5. Public Service requests that the tariffs accompanying Advice Letter No. 1411 become effective on April 26, 2004.

6. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariffs for hearing which will suspend their effective date for 120 days. If the Commission does not establish new rates before the expiration date of the suspension period of 120 days, or, August 24, 2004, the tariffs filed by Public Service will become effective by operation of law. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by separate order, suspend the effective date of the tariffs for an additional 90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariffs for a maximum of 210 days or, in this docket, until, November 22, 2004. If the Commission further suspends, by separate order, the effective date of the tariffs for an additional 90 days, and if no

new rates are established by the Commission on or before November 22, 2004, the tariffs filed by Public Service will become effective by operation of law.

B. Findings of Fact

7. The Commission will set the proposed tariffs for hearing and will suspend their effective date because the rates, terms, or conditions contained in the tariffs may be improper.

8. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariffs shall not allow participation as an intervenor in this matter.

II. ORDER

A. The Commission Orders That:

1. The effective date of the tariffs filed by Public Service Company of Colorado, on March 26, 2004, with Advice Letter No. 1411, is suspended for 120 days until August 24, 2004, or until further order of the Commission.

2. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariffs, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission within 30 days after the mailing date of this Decision, and shall serve a copy of the motion on the attorney of record for Public Service Company of Colorado.

3. By further order, to be issued shortly after the time for intervention has expired, the Commission will set a date and time for a prehearing conference.¹ The order will also specify those matters to be discussed at the prehearing conference.

4. Public Service Company of Colorado, filed exhibits and direct testimony with the above referenced Advice Letter. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimonies will be permitted to be offered by Public Service Company of Colorado, in support of its direct case.

5. The time for filing of Intervenor testimony and any rebuttal testimony by Public Service Company of Colorado, will be set by the Commission at the prehearing conference to be conducted in this matter.

6. This Order is effective upon its Mailed Date.

¹ Parties can anticipate that the prehearing conference will be scheduled in late May, 2004 or early June, 2004. Each party should indicate, in its motion to intervene, any times during that period that the party would **not** be available to attend a prehearing conference.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 13, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER JIM DYER
ABSENT.