

Decision No. C04-0482

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03I-134E

IN THE MATTER OF THE EARNINGS TEST FOR PUBLIC SERVICE COMPANY OF
COLORADO FOR CALENDAR YEAR 2002.

**ORDER GRANTING MOTION TO AMEND PROCEDURAL
SCHEDULE AND WAIVER OF RESPONSE TIME**

Mailed Date: May 12, 2004

Adopted Date: May 5, 2004

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. By Decision No. C04-0195, the Commission established the procedural schedule in this case. On April 27, 2004, the Colorado Office of Consumer Counsel (OCC) filed a motion to amend the procedural schedule and for waiver of response time. The motion explains that during the prehearing conference in Public Service Company of Colorado's (Public Service) Trading Docket¹ the parties asked the Commission to set hearings which conflicted with the already established hearings in this case. It further states that Counsel for OCC has consulted with Public Service and Staff of the Colorado Public Utilities Commission (Staff) and they concur with the proposed amendment to the procedural schedule. As a result of this concurrence, the OCC requests a waiver of response time.

2. Under the proposed amended schedule, the filing date for the OCC's and Staff's direct testimony will be May 28, 2004 (the current filing date is May 3, 2004). Public Service's

¹ Docket No. 04A-050E.

answer testimony will be due July 16, 2004 (the current filing date is June 15, 2004). The OCC and Staff's rebuttal testimony will be due August 27, 2004 (the current filing date is July 30, 2004). Hearings are proposed to be conducted on September 29 and 30, 2004 (the current hearing dates are September 9 and 10, 2004). Finally, Statements of Position are proposed to be filed on October 20, 2004 (the current filing date is September 29, 2004).

3. Due to previous commitments, the Commission is not available on the proposed hearing dates. Therefore, the Commission will schedule hearings for the week immediately following the proposed hearing dates. The Commission will also extend the proposed filing of Statements of Position by seven days.

4. The Commission finds good cause has been shown for waiving response time.

II. ORDER

A. The Commission Orders That:

1. The motion to amend procedural schedule and request for waiver of response time filed by the Colorado Office of Consumer Counsel is granted, in part, with the modifications discussed above.

2. Direct testimony shall be filed on May 28, 2004, Answer testimony on July 16, 2004, and Rebuttal testimony on August 27, 2004. Hearings shall be held in this matter at the following time and place:

DATES: October 7 and 8, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado

3. Statements of Position shall be filed on October 27, 2004.
4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 5, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER JIM DYER
ABSENT.